

Exhibit 4

CHRISTOPHER PARTIN 2/8/2017

	Page 1		Page 3
1	UNITED STATES DISTRICT COURT	1	Exhibit 7 November 11th, 2015, email from
2	EASTERN DISTRICT OF MISSOURI, EASTERN DIVISION	2	Blake Strode which attaches a
3	--o0o--	3	letter from ArchCity Defenders
4	DWAYNE FURLOW, et al.,)	4	Exhibit 8 Summons issued to Mr. Furlow
5	Plaintiff)	5	155 dated DEF-RFP100000001
6) vs.) No. 4:16-CV-00254-CEJ	6	(The original exhibits were retained by the court
7) JON BELMAR, et al.,)	7	reporter and will be copied and attached to copies
8) Defendants.)	8	of the transcript.)
9	_____)	9	
10	VIDEO-RECORDED DEPOSITION OF	10	
11	CHRISTOPHER PARTIN	11	
12	_____	12	
13	February 8, 2017	13	
14		14	
15	(Beginning at 9:30 a.m.)	15	
16		16	
17		17	
18		18	
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20		20	
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23		23	
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25		25	
	Page 2		Page 4
1	INDEX	1	UNITED STATES DISTRICT COURT
2	PAGE	2	EASTERN DISTRICT OF MISSOURI, EASTERN DIVISION
3		3	--o0o--
4	EXAMINATION BY MR. HOLLAND9	4	DWAYNE FURLOW, et al.,)
5	EXAMINATION BY MR. HUGHES160	5	Plaintiff)
6	FURTHER EXAMINATION BY MR. HOLLAND210	6	vs.) No. 4:16CV00254CEJ
7	FURTHER EXAMINATION BY MR. HUGHES214	7)
8	FURTHER EXAMINATION BY MR. HOLLAND215	8	JON BELMAR, et al.,)
9	EXHIBITS)
10	Exhibit 1 General order dated July 15, 29	8	Defendants.)
11	2015, Bates stamped		_____)
12	DEF-RFP2340000017	9	
13	Exhibit 2 General order dated September 14, 29	10	-o0o-
14	2016, Bates numbered	11	VIDEO-RECORDED DEPOSITION OF CHRISTOPHER
15	DEF-RFP2340000022	12	PARTIN, produced, sworn, and examined on Wednesday,
16	Exhibit 3 General Order 11-26 dated 31	13	February 8, 2017, taken on behalf of the Plaintiffs,
17	September 13th, 2011, Bates	14	at the offices of Midwest Litigation Services, 711
18	numbered DEF-RFP2340000013	15	North 11th Street, in the City of St. Louis, State
19	Exhibit 4 General Order 10-37 Bates 76	16	of Missouri, before RENÉE COMBS QUINBY, a Certified
20	numbered DEF-RFP2340000028	17	Court Reporter (MO), Certified Shorthand Reporter
21	Exhibit 5 General Order 16-37 dated March 77	18	(CA), Registered Merit Reporter, Certified Realtime
22	16th, 2016, Bates numbered	19	Reporter, and a Notary Public within and for the
23	DEF-RFP2340000078	20	State of Missouri.
24	Exhibit 6 Police report Bates numbered 119	21	
25	DEFRFP 10000004	22	
		23	
		24	
		25	

1 (Pages 1 to 4)

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CHRISTOPHER PARTIN 2/8/2017

Page 5	Page 7
<p>1 APPARENCES 2 3 FOR THE PLAINTIFFS: 4 Blake Strode, Esq. Edward Hall, Esq. 5 ArchCity Defenders, Inc. 1210 Locust Street St. Louis, MO 63103 (855)724-2489 bstrode@archcitydefenders.org ehall@archcitydefenders.org 8 9 Timothy Holland, Esq. Elizabeth Grossman, Esq. Jonathan Wall, Esq. Charles Hamilton, Esq. 10 Paul, Weiss, Rifkind, Wharton & Garrison LLP 1285 Avenue of the Americas New York, NY 10019-6064 (212)373-3373 11 tholland@paulweiss.com egrossman@paulweiss.com 14 jwall@paulweiss.com chamilton@paulweiss.com 15 16 Britney Wilson, Esq. Center For Constitutional Rights 666 Broadway, 7th Floor New York, NY 10012 (212)614-6464 bwilson@ccrjustice.org 19 20 21 22 23 24 25</p>	<p>1 --oOo-- 2 IT IS HEREBY STIPULATED AND AGREED by and 3 between counsel for the Plaintiffs and counsel for 4 the Defendants, that this deposition may be taken in 5 machine shorthand by RENÉE COMBS QUINBY, a Certified 6 Court Reporter and Notary Public, and afterwards 7 transcribed into typewriting, and the signature 8 waived by agreement of Counsel and consent of the 9 Witness. 10 --oOo-- 11 P R O C E D I N G S 9:30 a.m. 12 --oo-- 13 THE VIDEOGRAPHER: We are now on the 14 record. Today's date is February the 8th, 2017. 15 The time is approximately 9:31 a.m. This is the 16 video-recorded deposition of Officer Christopher 17 Partin in the matter of Furlow, et al. versus 18 Belmar, et al., case number 4:16CV00245CEJ, in the 19 United States District Court for the Eastern 20 District of Missouri. 21 This deposition is being held at 22 Midwest Litigation Center in St. Louis, Missouri. 23 The reporter's name is Renée Quinby. My name is 24 David Doell, and I'm the legal videographer. We're 25 here with Midwest Litigation Services.</p>
<p>1 FOR THE DEFENDANTS: 2 Michael E. Hughes, Esq. St. Louis County Counselor's Office 3 41 S. Central Avenue, Clayton, MO 63105 4 (314)615-7042 mhughes2@stlouisco.com 5 6 7 THE VIDEOGRAPHER: 8 David Doell Midwest Litigation Services 9 711 North 11th Street St. Louis, MO 63101 10 (314)644-2191 11 12 COURT REPORTER: 13 RENÉE COMBS QUINBY, RMR, CRR CSR (CA) #11867 CCR (MO) #1291 Midwest Litigation Services 15 711 North 11th Street St. Louis, MO 63101 16 (314)644-2191 17 18 19 20 21 22 23 24 25</p>	<p>1 Will the attorneys present please 2 introduce yourselves. 3 MR. HOLLAND: My name is Timothy 4 Holland from the firm of Paul Weiss. I am here on 5 behalf of plaintiffs, along with my colleagues, 6 Elizabeth Grossman, Charles Hamilton, and Jonathan 7 Wall. And I have some colleagues from a couple 8 other places who will introduce themselves. 9 MR. STRODE: My name is Blake Strode 10 from ArchCity Defenders with Ed Hall. 11 MS. WILSON: My name is Britney Wilson 12 here on behalf of the Center for Constitutional 13 Rights. 14 MR. HOLLAND: Go ahead. 15 MR. WALL: Jonathan Wall. He 16 introduced me. 17 MR. HUGHES: Oh, yeah. You're 18 Jonathan, okay. I'm Mike Hughes. I represent Chris 19 Partin and also Laura Clements, and also Kevin Walsh 20 and Chief Jon Belmar in his official capacity, and 21 St. Louis County. 22 THE VIDEOGRAPHER: If the court 23 reporter would please swear in the witness and we 24 may proceed. 25 CHRISTOPHER PARTIN,</p>

2 (Pages 5 to 8)

CHRISTOPHER PARTIN 2/8/2017

Page 9	Page 11
<p>1 of lawful age, having been first duly sworn to 2 testify to the truth, the whole truth, and nothing 3 but the truth in the case aforesaid, deposes and 4 says in reply to oral interrogatories propounded as 5 follows, to-wit:</p> <p>6 --oo--</p> <p>7 EXAMINATION</p> <p>8 BY MR. HOLLAND:</p> <p>9 Q. Good morning, Officer Partin. Just for the record's sake, can you just state your name, please.</p> <p>10 A. Officer Christopher Partin.</p> <p>11 Q. And spell the last name.</p> <p>12 A. P-a-r-t-i-n.</p> <p>13 Q. Good morning, Officer Partin. Thank you for coming today. I'll be asking you some questions today. If at any point my question is vague or confusing to you, just please let me know and I'll try my best to rephrase it just so we can make sure we're on the same page.</p> <p>14 Is there any reason, medically or due to a substance, that you don't think you'll be able to give truthful or full answers today?</p> <p>15 A. No.</p> <p>16 Q. If that changes at any point today,</p>	<p>1 ask is that you don't take a break while a question of mine is pending. Is that fair?</p> <p>2 A. Yes.</p> <p>3 Q. And lastly, are you represented by counsel today?</p> <p>4 A. Yes.</p> <p>5 Q. Your counsel, Mr. Hughes, may object to a question that I ask. Once he puts the objection on the record, unless he instructs you not to, you can continue to answer my question.</p> <p>6 A. Okay.</p> <p>7 Q. Do you understand that you're here today in connection with a -- a legal case?</p> <p>8 A. Yes.</p> <p>9 Q. Do you understand that you're a defendant in that legal case?</p> <p>10 A. Yes.</p> <p>11 Q. What is your understanding of the case?</p> <p>12 A. My understanding of the case is that it's in regards to the use of wanteds.</p> <p>13 Q. Anything else?</p> <p>14 A. That's about it.</p> <p>15 Q. Okay. Have you read the complaint in this action?</p> <p>16 A. Yes.</p>
<p>1 will you let me know?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Just to try to get you out of here as quickly as we can today, let's go over some ground rules up front. As you can see, we have a court reporter here trying to take down every word that we say. As she is only one person, she can only take down what one of us is saying at each time, so let's just do our best to try not to talk over each other. I think it's bound to happen, but the less it happens, the more smoothly this will go today.</p> <p>13 Second, as you were just told by the court reporter, you're on the record under oath, so it's important that you give truthful, complete answers, but it also means that at any point later in the deposition you realize something you said was -- you know, you want to correct it or wasn't as complete as you wish you would have made it, just please let me know that and I'll give you that opportunity.</p> <p>22 A. Okay.</p> <p>23 Q. And I'm not sure that we'll be here all day today. But if at any point you want to take a break, it's at your leisure. Just the only thing I</p>	<p>1 Q. And you understand the claims against you and your codefendants?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Have you ever been deposed before? Have you ever sat for a deposition as we're doing today?</p> <p>4 A. No.</p> <p>5 Q. What did you do to prepare for the deposition today?</p> <p>6 A. I had two meetings with Mr. Hughes, and then again this morning prior to sitting in front of you guys today.</p> <p>7 Q. When were your two meetings aside from this morning with Mr. Hughes?</p> <p>8 A. One was approximately a week ago, and then the other one was probably two weeks prior to that.</p> <p>9 Q. And about how long did you meet with him each of those times?</p> <p>10 A. I think approximately three hours apiece.</p> <p>11 Q. Apiece? Okay. Did you review any documents during those meetings?</p> <p>12 A. I reviewed the complaint, our answer to the complaint, the police report pertaining to me,</p>

3 (Pages 9 to 12)

CHRISTOPHER PARTIN 2/8/2017

Page 13	Page 15
<p>1 and the summons that I issued Mr. Furlow, and the 2 County Counselor's notes on the -- from the night of 3 the court -- night court.</p> <p>4 Q. From the night that Mr. Furlow -- was 5 in connection with the summons that you issued?</p> <p>6 A. Correct.</p> <p>7 Q. Aside from your meetings with 8 Mr. Hughes, did you review any documents on your own 9 to prepare for today?</p> <p>10 A. Just the documents that I mentioned, 11 those were the only documents that I had read.</p> <p>12 Q. When did you learn that you would be 13 testifying today?</p> <p>14 A. Approximately three weeks ago.</p> <p>15 Q. Do you have a work email address?</p> <p>16 A. Yes.</p> <p>17 Q. Is that how you communicate with other 18 officers or other employees of St. Louis County?</p> <p>19 A. Yes.</p> <p>20 Q. Did there come a time when someone 21 asked you to collect documents of your own in 22 connection with this litigation?</p> <p>23 A. No.</p> <p>24 Q. You were never asked to collect, 25 whether it be emails or notes in regard to this</p>	<p>1 Q. How about Officer Walsh? 2 A. Again, I know he's an officer on 3 St. Louis County, but I have not worked with him.</p> <p>4 Q. Do you understand that they are named 5 defendants as you are in this litigation? 6 A. Yes.</p> <p>7 Q. Have you spoken with them at all 8 regarding this litigation since you were named a 9 defendant? 10 A. No.</p> <p>11 Q. Have you spoken with Chief Jon Belmar 12 about this case at all? 13 A. No.</p> <p>14 Q. Are you familiar with Dwayne Furlow? 15 A. From my case, yes.</p> <p>16 Q. Have you had any interactions with 17 Mr. Furlow since you were named a defendant in this 18 action? 19 A. No.</p> <p>20 Q. Okay. I'd like to get into some of -- 21 some background about you. So going back to when 22 you graduated high school, can you tell us what 23 education you have? 24 A. I have -- after high school, instead of 25 going to -- directly to college, I deployed to Iraq</p>
<p>1 litigation? 2 A. No.</p> <p>3 Q. Okay. Are you -- do you -- strike 4 that.</p> <p>5 Do you recall using email to discuss 6 Mr. Furlow or anything with regard to this 7 litigation?</p> <p>8 MR. HUGHES: Do you mean email 9 communication with me or email communication with 10 other -- others?</p> <p>11 BY MR. HOLLAND:</p> <p>12 Q. Let's break that down. I'll reask the 13 question. Do you recall using email to communicate 14 regarding Mr. Furlow with any other officers?</p> <p>15 A. No.</p> <p>16 Q. With anyone other than Mr. Hughes?</p> <p>17 A. No.</p> <p>18 Q. Do you recall sending any hard copy 19 correspondence or notes to anyone regarding this 20 case?</p> <p>21 A. No.</p> <p>22 Q. Are you familiar with Detective Laura 23 Clements?</p> <p>24 A. I know she's a detective on our 25 department. I have not worked with her.</p>	<p>1 within a year of graduating high school. I was 2 there for a year, came home, did a little bit of 3 college. I have 37 credit hours. And then just 4 army training, classes, and then The Police Academy 5 and my continuing education with them.</p> <p>6 Q. Thank you for your service. 7 A. Sure.</p> <p>8 Q. Okay. So you took some college 9 courses, some army training, and then you entered 10 The Police Academy. About when was that? 11 A. March of 2015.</p> <p>12 Q. And how long were you at The Police 13 Academy? 14 A. Six months.</p> <p>15 Q. So about September 2015, what happened 16 then? 17 A. I graduated from The Police Academy and 18 was given my duty assignment to the Affton southwest 19 precinct.</p> <p>20 Q. And that is when you joined the 21 St. Louis County Police Department? 22 A. I --</p> <p>23 Q. Became -- excuse me, became a St. Louis 24 County police officer? 25 A. I was a hired employee going through</p>

4 (Pages 13 to 16)

Page 17	Page 19
<p>1 the academy, so I actually was a hired employee 2 beginning in March.</p> <p>3 Q. What is the difference between a hired 4 employee and your current role?</p> <p>5 MR. HUGHES: I'm sorry?</p> <p>6 MR. HOLLAND: Yes.</p> <p>7 MR. HUGHES: I heard what is the 8 difference between hired employee and then I -- for 9 some reason --</p> <p>10 MR. HOLLAND: Sorry.</p> <p>11 MR. HUGHES: I guess my hearing isn't 12 what it once was.</p> <p>13 MR. HOLLAND: I think I spoke softly, 14 and I'll try not to do that today.</p> <p>15 Q. Okay. So what is your current 16 position?</p> <p>17 A. I'm a hired patrol officer.</p> <p>18 Q. And you said in March 2015 you were a 19 hired employee, correct?</p> <p>20 A. I was a hired police recruit.</p> <p>21 Q. A hired police recruit. What does a 22 hired police recruit do?</p> <p>23 A. Basically, we do the same thing as a 24 police recruit. In the academy, there's multiple 25 ways you can go through. You can be a hired county</p>	<p>1 So why don't you tell me a typical day 2 while you're a hired recruit.</p> <p>3 A. You would show up on the parking lot at 4 7:10 a.m. You would enter the building as a group. 5 You would store your lunchbox in the cafeteria. You 6 would put your gear away in the locker room, and 7 then you would prepare for first inspection. So the 8 supervisors would come around and make sure that you 9 looked squared away for the day and that you shaved, 10 and you'd go and sit in classes for about an hour, 11 and then take a break and you had lunch, and then 12 depending on the day, you may have class the rest of 13 the afternoon or you may have physical training, PT, 14 at the end of the day.</p> <p>15 Q. I think I'm going to come back and ask 16 you about some of those -- the training courses that 17 you took at the academy. So then -- so you did that 18 for about six months, and then in September 2015, 19 you became a hired police officer. What was -- 20 what's a typical day for you as a hired police 21 officer since then?</p> <p>22 A. Then it was, I would -- I was on 23 afternoon, so my shift started at 11:00 a.m. and was 24 over at 9:00 p.m. It could be anything. I mean, 25 you could respond to any call doing investigation.</p>
Page 18	Page 20
<p>1 employee going through the academy, which is where 2 you're paid. You can be going with a connection to 3 a college, or you can be open enrollment where you 4 try to get a job while you're going through with 5 either St. Louis County or one of the 6 municipalities.</p> <p>7 Q. And which of those were you?</p> <p>8 A. I was a hired county employee.</p> <p>9 Q. And you hold that role for the six 10 months while you were in the academy?</p> <p>11 A. Yes.</p> <p>12 Q. And then in September 2015, you became 13 a hired officer?</p> <p>14 A. Police officer.</p> <p>15 Q. Hired police officer. And how did your 16 role change?</p> <p>17 A. I no longer had to go the academy, and then I was on field training.</p> <p>18 Q. So let's talk about what you would do 19 while you were at the academy. So March 2015 20 through September -- through early September 2015, 21 you were a hired recruit and also going to the 22 academy, and then in September 2015, you became a 23 hired police officer no longer having -- no longer 24 having to go to the academy.</p>	<p>1 Just you were at the mercy of whatever calls came 2 out or whatever self-initiated things you happened 3 to do that day.</p> <p>4 Q. So after the six months' Police 5 Academy, did you have any -- any further training 6 responsibilities or obligations?</p> <p>7 A. On field training it was basically 8 another learning environment. They teach you more. 9 The Police Academy is kind of basic for P.O.S.T. 10 certification, and then when you get to field 11 training they teach you a more -- more about 12 St. Louis County procedure and policy and prepare 13 you to be on the road by yourself.</p> <p>14 Q. You said they teach you. Who is they?</p> <p>15 A. Field trainers.</p> <p>16 Q. Is there a team field trainers or does 17 each -- sorry. Strike that. 18 Does each police officer have an 19 individual field trainer?</p> <p>20 A. Field training is four phases. Your 21 first -- you're assigned a field trainer when you 22 graduate the academy. Your first field trainer is 23 considered your primary field trainer, so you're 24 with him for phase one and phase four. And I believe phase one is four or five weeks, and then</p>

5 (Pages 17 to 20)

CHRISTOPHER PARTIN 2/8/2017

Page 21	Page 23
<p>1 you go to an alternate field trainer in the same 2 precinct, possibly on a different shift. Usually on 3 a different shift.</p> <p>4 You're with them for three to four 5 weeks, and then you go to an alternate field trainer 6 at a different precinct and you're with them for, I 7 believe, four weeks, and then you go back to your 8 home precinct and you're there for another four 9 weeks.</p> <p>10 Q. So this field training was broken up 11 into phases. Other than being with a different 12 field trainer or field officer, are there any 13 differences between the phases?</p> <p>14 A. Your first phase, they kind of show you 15 the ropes of the area that you're working. They 16 teach you a lot of procedure. They ask you 17 questions. They -- they kind of walk you through 18 how to investigate things, how to look at them.</p> <p>19 Phase two is a little bit -- you're not 20 new but you're not senior, so you -- they're still 21 teaching you, but they expect more from you. And 22 then phase three, it's basically they're there with 23 you and then you talk to them, and then phase four 24 is you're basically running everything. You're 25 working the radio, driving the car. Basically, when</p>	<p>1 that. 2 Considering the facts underlying the 3 complaint relating to your involvement with 4 Mr. Furlow, I believe that happened in 5 November 2015; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. What phase would you have been in at 8 that --</p> <p>9 A. Phase three.</p> <p>10 Q. Okay. And who was your phase one field 11 trainer?</p> <p>12 A. Joseph Cururu.</p> <p>13 Q. Can you spell that last name?</p> <p>14 A. C-u-r-c-u-r-u.</p> <p>15 Q. And who was your phase two field 16 trainer?</p> <p>17 A. Christopher Rickard.</p> <p>18 Q. Spell the last name for the record.</p> <p>19 A. R-i-c-k-a-r-d.</p> <p>20 Q. And who was your field three officer?</p> <p>21 A. Christopher Slusser.</p> <p>22 Q. Excuse me. Let me just ask that again 23 for the record. Who was your phase three field 24 trainer. I believe I said field three.</p> <p>25 A. Christopher Slusser. That's</p>
Page 22	Page 24
<p>1 you go on the call, you're the primary officer. You 2 know you're writing the report; you're supposed to 3 gather as much information as you can.</p> <p>4 Q. And you said during phase one -- and 5 this may happen in other phases -- they're kind of 6 showing you the ropes and teaching you about 7 St. Louis County policy and procedure. Do they have 8 materials with them that they're showing you or are 9 they just -- well, strike that.</p> <p>10 Let me ask it this way: When you're 11 on -- in phase one and they're showing you policy 12 and procedure of St. Louis County, are they showing 13 you any materials?</p> <p>14 A. They do go over the general orders in a 15 pretty lengthy manner.</p> <p>16 Q. We'll get into those a little later.</p> <p>17 So just as a background question, it 18 sounds like you started phase one in September 2015; 19 is that right?</p> <p>20 A. Correct.</p> <p>21 Q. And you said each phase is around four 22 to five weeks; is that right?</p> <p>23 A. Yes.</p> <p>24 Q. So just thinking about the subject 25 matter of your relevance to this or your -- strike</p>	<p>1 S-l-u-s-s-e-r.</p> <p>2 Q. Christopher Slusser would have been 3 your field trainer in November of 2015?</p> <p>4 A. Correct.</p> <p>5 Q. And your field four -- phase four field 6 trainer would have been Officer Cururu?</p> <p>7 A. Yes.</p> <p>8 Q. And when did you end phase four field 9 training?</p> <p>10 A. Approximately a week or two before 11 Christmas.</p> <p>12 Q. 2015?</p> <p>13 A. Yes.</p> <p>14 Q. So March 2015 through, give or take, 15 Christmas 2015, you had six months of Police Academy 16 and three months of field training?</p> <p>17 A. Correct.</p> <p>18 Q. Aside from those two areas, what other 19 training has the police -- has the St. Louis County 20 Police Department provided to you?</p> <p>21 A. Since December of '15 to now?</p> <p>22 Q. Yes.</p> <p>23 A. I've had a couple in-service dates 24 where you sit in a classroom and you're taught 25 more -- more things. I also went to crisis</p>

6 (Pages 21 to 24)

CHRISTOPHER PARTIN 2/8/2017

Page 25	Page 27
<p>1 intervention training, which was a week-long class. 2 I went to a three-day patrol rifleman's class, and 3 then I had a range day there.</p> <p>4 Q. When you -- sorry. Were you done?</p> <p>5 A. Yes.</p> <p>6 Q. And when you say you sit in a classroom 7 and they teach you more things, are they teaching 8 you things that were already in place and you 9 reached a level where they felt you needed to learn 10 it, or are they teaching you things because policies 11 have changed, or both?</p> <p>12 A. They teach you about policy changes, 13 but they also teach you about, like, the law 14 changes. January 1st the changes with domestic 15 violence and assaults and how they added and changed 16 what used to be a domestic assault third changed, 17 and just how -- how the law has changed and how they 18 were being implemented among the department, and if 19 you get this case, this is basically what it's 20 considered.</p> <p>21 Q. Okay. And so at The Police Academy, 22 are the people who train you and teach the courses 23 there the same people who would provide this 24 continuing education once you're an officer?</p> <p>25 A. For certain classes, yes. My</p>	<p>1 reported to whichever supervisor was in charge for 2 that day.</p> <p>3 Q. So you didn't have the same supervisor 4 at all times?</p> <p>5 A. We had the -- on the platoon there is 6 three supervisors assigned, two sergeants and a 7 lieutenant. And as far as the days, it just 8 depended on who was working that day.</p> <p>9 Q. Did you have sergeants and lieutenants 10 who were your supervisor more often than others?</p> <p>11 A. I think it was pretty spread out. I 12 had the same sergeants at least two days a week.</p> <p>13 Q. Who were those sergeants?</p> <p>14 A. After I got off field training, I was 15 only on afternoons until January 1st, and then I 16 switched to days for the year, so my supervisors 17 were Sergeant Quentin, Sergeant Koeller, Lieutenant 18 McWilliams, who left the precinct, and then it was 19 Lieutenant Gomez.</p> <p>20 Q. About when did Lieutenant Gomez become 21 your -- or excuse me. Strike that.</p> <p>22 About when did Lieutenant Gomez become 23 one of the supervisors for you?</p> <p>24 A. I do not know.</p> <p>25 Q. Okay.</p>

Page 26	Page 28
<p>1 constitutional law professor retired, so there was a 2 different person teaching that, but certain classes 3 are still taught by the same instructors.</p> <p>4 Q. So just to be clear, when you're taking 5 these in-classroom courses after you finish your 6 field training, it's kind of going back to the 7 academy to refresh or learn something new?</p> <p>8 A. Correct.</p> <p>9 Q. So that brings us into 2016. Are you 10 in the same rank now that you were when you finished 11 your field training?</p> <p>12 A. I'm no longer a probationary police 13 officer. I passed my probation year.</p> <p>14 Q. And that started around Christmas of 15 2015?</p> <p>16 A. I came off probation in September of 17 '16.</p> <p>18 Q. And your probation year starts when?</p> <p>19 A. The year you graduate from The Police 20 Academy.</p> <p>21 Q. While you were a probation officer, who 22 did you report in to?</p> <p>23 A. While I was on field training, I 24 reported to the field trainers, and then after that 25 it was you reported for your shift and basically</p>	<p>1 A. I know it was closer towards the end of 2 the year.</p> <p>3 Q. End of 2016?</p> <p>4 A. Yes, approximately. Approximately 5 three months from the end of the year.</p> <p>6 Q. Give or take September or October?</p> <p>7 A. Yes.</p> <p>8 Q. Have you ever been the subject of a 9 civil complaint since you've been an officer?</p> <p>10 A. No.</p> <p>11 Q. Have you ever -- aside from the filing 12 of this litigation, have you ever been -- has your 13 police work ever been the subject of an 14 investigation?</p> <p>15 A. No.</p> <p>16 Q. Have you -- strike that.</p> <p>17 Since you've been an officer, have you 18 been evaluated?</p> <p>19 A. Yes.</p> <p>20 Q. Have you ever received a negative 21 evaluation?</p> <p>22 A. No.</p> <p>23 Q. So you mentioned obviously some 24 training during The Police Academy, and field 25 training and some -- some continuing training or</p>

CHRISTOPHER PARTIN 2/8/2017

Page 29	Page 31
<p>1 what I'll call continuing training since you 2 finished field training. Did any of that training 3 include background on wanteds?</p> <p>4 A. When the policy changed, it was 5 included in the continuing education.</p> <p>6 Q. And by policy, what do you mean? What 7 document are you referring to?</p> <p>8 A. The general order for wanteds.</p> <p>9 Q. Let's take a look at that. This will 10 be -- make sure we're on the same page. I'm going 11 to hand you what I'm marking as Exhibits 1 and 2. 12 (Exhibits 1-2 were marked for 13 identification.)</p> <p>14 BY MR. HOLLAND:</p> <p>15 Q. I'd ask you to take a look at those 16 documents and let me know if you've -- if you 17 recognize them. And here's a copy for Mr. Hughes.</p> <p>18 MR. HUGHES: Thank you. Officer, can 19 you tell me which -- which one is Exhibit 1? Just 20 give me the -- the Department General Order 15-26?</p> <p>21 THE WITNESS: 15-26 is Exhibit 2.</p> <p>22 MR. HOLLAND: I'll just clear the 23 record. Exhibit 1 is dated July 15, 2015, and it 24 contains Bates numbers in the lower right corner 25 DEF-RFP234, five zeros -- or six zeros, excuse me,</p>	<p>1 seen the General Order 11-26 that it canceled or 2 replaced?</p> <p>3 A. No.</p> <p>4 Q. Why don't I -- why don't I show it to 5 you and you can let me know if you've seen it 6 before.</p> <p>7 I'm marking as Exhibit 3, General Order 8 11-26 dated -- dated September 13th, 2011, with 9 Bates DEF-RFP234, six zeros, 13. 10 (Exhibit 3 was marked for 11 identification.)</p> <p>12 MR. HOLLAND: Copy for Mr. Hughes.</p> <p>13 Q. So as you -- have you had a chance to 14 look at the document?</p> <p>15 A. Yes.</p> <p>16 Q. Have you ever seen this document 17 before?</p> <p>18 MR. HUGHES: My objection is 19 repetitive. Asked and answered. You can answer.</p> <p>20 THE WITNESS: No.</p> <p>21 BY MR. HOLLAND:</p> <p>22 Q. Is it correct that this general order 23 is the order that was canceled by the -- by 24 Exhibit 1?</p> <p>25 A. Yes.</p>
Page 30	Page 32
<p>1 and one seven. Exhibit 2 is dated September 14, 2 2016, as Bates numbers in the lower right corner 3 DEF-RFP234, six zeros, 22.</p> <p>4 Q. Do you recognize these documents?</p> <p>5 A. Yes.</p> <p>6 Q. Are these the policy general orders 7 that you were referring to?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. So the July -- excuse me, 10 Exhibit 1 is dated July 15, 2015, so that -- and if 11 you look in the somewhat upper right corner, you can 12 see that it says, "Cancels General Order 11-26," 13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. So this document is dated July 15, 16 2015, which would have been when you were in the 17 academy; is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. Do you recall this order coming into 20 effect?</p> <p>21 A. Yes.</p> <p>22 Q. You started at the academy four months 23 prior to this order coming into effect?</p> <p>24 A. Yes.</p> <p>25 Q. Are you -- were you -- have you ever</p>	<p>1 Q. Okay. And this order dated 2 September 13th, 2011, Exhibit 3, would have been in 3 effect up and until July 14th, 2015?</p> <p>4 A. Yes.</p> <p>5 Q. So during your four months of training 6 leading up to July 15th, 2015, you were never shown 7 this General Order 11-26?</p> <p>8 A. No. In the academy they don't cover 9 general orders until much later, if they cover them. 10 Because not everyone in your class is a department 11 that works for St. Louis County, and these are only 12 pertinent to St. Louis County police officers, not 13 the municipalities.</p> <p>14 Q. Do you know about what time during a 15 typical academy they start telling officers about 16 the general orders in that -- that are the policies 17 and procedures of the police department?</p> <p>18 A. I do not.</p> <p>19 Q. Is it your testimony that the standard 20 time is more than four months after the training has 21 begun -- excuse me, the academy has begun?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Let's -- let's take a look at 24 Exhibits 1 and 2, which you said you have seen 25 before. And I believe you mentioned that you</p>

8 (Pages 29 to 32)

CHRISTOPHER PARTIN 2/8/2017

Page 33	Page 35
<p>1 received some training on these policies; is that 2 correct? 3 A. Yes. 4 Q. Can you tell me about the training 5 focused on, I believe you said, wanteds related to 6 these policies? 7 A. In regards to the wanteds, you have to 8 have probable cause before you can place anyone out 9 wanted. That was the policy that was in effect 10 until July 14th, 2015. And then the policy for 11 that -- that went into effect September 14th of '16, 12 that policy was basically amended to where you had 13 to run it by your supervisor and have a supervisor's 14 approval for the wanted. 15 Q. Okay. And I think right now I'm 16 focused on the trainings you received on these, but 17 I believe you also just mentioned that you were 18 trained or informed of the policy up until 19 July 14th, 2015, that was in effect. Is that what 20 you said? 21 MR. HUGHES: I think you're misstating 22 his testimony, but you can answer. 23 MR. HOLLAND: Well, let me just read 24 back. 25 Q. It says, in regards to the wanteds, you</p>	<p>1 training, then they -- they constant -- field 2 trainers constantly ask you questions about general 3 orders and they expect you to know. 4 Q. So there wasn't an in-class training on 5 these policies? 6 A. No. 7 Q. Were you provided any materials and 8 guidelines outside of what's in these documents? 9 A. No. 10 Q. So you were in the academy in 11 July 2015. How did you come to know that the policy 12 had changed? 13 A. Some of our instructors in the academy 14 were St. Louis County police officers, and they 15 would tell you about changes that would affect the 16 way that you do your job once you're out of the 17 academy. They would tell you and then they would 18 tell you the general order changed. You should read 19 the new general order on it. 20 Q. Do you recall the officers who told you 21 this? 22 A. I do not. 23 Q. What did you, at that point, understand 24 the policy to have been prior to this change? 25 A. Prior --</p>
Page 34	Page 36
<p>1 have probable cause before you can place anyone out 2 wanted. That was the policy that was in effect 3 until July 14th, 2015. Is that your testimony? 4 A. It's the same policy. Both the general 5 orders you had to have probable cause to use a 6 wanted. The only difference between the new policy 7 and the old policy in regards to the wanteds, is 8 that you had a supervisor's approval. But before 9 you still had a supervisor's approval because they 10 would read your reports, and if they had an issue 11 with something, they would speak to you very quickly 12 about if they had an issue with it. 13 Q. And I guess I'm focused for now on -- 14 you said you received training on these. So what 15 did that training involve? And we can start with 16 Exhibit 1. July 15th, 2015, when were you trained 17 on this policy? 18 A. In the academy, the training on the 19 policy was basically you read the policy, and that's 20 your training in the academy on the policy. You -- 21 there's a lot that, in The Police Academy, you are 22 expected to do at home. And one of those things is 23 reading, especially when you're a county hire, you 24 read a lot of the general orders on your own time. 25 And then when you get to field</p>	<p>1 MR. HUGHES: If you know. That's all 2 right. 3 BY MR. HOLLAND: 4 Q. Well, strike that. 5 MR. HUGHES: Well, he said he hadn't 6 read it, so ... 7 MR. HOLLAND: Understood. 8 Q. You just said -- or is it true that 9 sometime around July 2015, officers told you that 10 you should read the general order because the policy 11 was changing? 12 A. Correct. 13 Q. Did they tell you -- what was your 14 understanding of what the policy change was? 15 A. For the policy change in 2015? 16 Q. So maybe I can make this a little 17 simpler. If we look at Exhibit 1, page 2, there is 18 some bolded language, correct? 19 A. Yes. 20 Q. Did you understand that to be -- to 21 represent the additions, the changes in policy? 22 A. Yes. 23 Q. Did you understand that to have not 24 been within the policy prior to July 15, 2015? 25 MR. HUGHES: Just object to the form of</p>

9 (Pages 33 to 36)

CHRISTOPHER PARTIN 2/8/2017

Page 37	Page 39
<p>1 the question as vague. Calls for speculation and 2 conjecture as to what you mean.</p> <p>3 BY MR. HOLLAND:</p> <p>4 Q. I'll go ahead and reask my question.</p> <p>5 You were reviewing this as you were instructed to 6 do. You noticed that there was bolded language in 7 this -- on page 2 of this policy. You understood 8 that to be the changes to the policy. Do you agree 9 that that means you also understood those -- the 10 bolded language to not have been in the prior 11 policy?</p> <p>12 A. I didn't know the prior policy. This 13 is the only -- the one of the policy -- the policy 14 of Exhibit 1 is the first policy I knew of St. Louis 15 County Police Department in regards to, this is the 16 way St. Louis County does things.</p> <p>17 Prior to that, I did not have any law 18 enforcement experience with St. Louis County. This 19 is the only policy that I knew, and then now this is 20 the policy I follow.</p> <p>21 Q. I totally understand that. My 22 question -- I guess my simple question is, what did 23 you understand the bolded language to mean? Why is 24 that language in bold?</p> <p>25 A. The bold lettering is the change to the</p>	<p>1 A. No.</p> <p>2 Q. Aside from reading the policy, how did 3 you become comfortable with the requirements within 4 the policy in terms of being able to issue a wanted 5 once you're out in the field?</p> <p>6 A. After speaking with the field -- after 7 speaking with my field trainers, they -- field 8 trainers are essentially teachers, and they teach 9 you policy, how -- officer safety. They teach you 10 all these things that the academy teaches you, but 11 the field trainers fine-tune it and basically break 12 it down so that you can understand everything.</p> <p>13 Q. What do you mean by field trainers 14 fine-tuning it?</p> <p>15 MR. HUGHES: I think it's obvious, but 16 go ahead and answer.</p> <p>17 MR. HOLLAND: I was just looking for 18 something more specific.</p> <p>19 MR. HUGHES: All right.</p> <p>20 THE WITNESS: They -- they go over it 21 more in depth. They -- instead of you sitting there 22 and reading it, you can ask them questions. If 23 you're not sure of something, they are the ones that 24 you are supposed to ask. You can -- you can ask 25 supervisors and you can ask lieutenants. You can</p>
Page 38	Page 40
<p>1 policy.</p> <p>2 Q. And the bold language -- the change to 3 the policy in July 2015 was once the case officer 4 has determined probable cause exists that a person 5 has committed a crime, only the case officer shall 6 request wanted person entries. The case officer 7 will contact CARE or DCI ward -- excuse me, DCI word 8 processing and requesting a wanted entry on that 9 person. Did I read that correctly?</p> <p>10 A. Yes.</p> <p>11 Q. And in section B(1)(b), subset -- 12 subsection one, there is also an addition of the 13 language "probable cause" that the officer has to 14 have; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. So other than reading this policy, was 17 anybody -- did you have any communication with 18 anybody about how your job as a police officer would 19 change because of these changes to the policy -- or 20 strike that.</p> <p>21 You were still in the academy at the 22 time, so your job as a police officer was just 23 beginning. Did any police officer talk to you about 24 how the job of a police officer out in the field 25 would change because of these changes?</p>	<p>1 ask pretty much anyone on the department, and they 2 can -- if you're not comfortable with something, you 3 can ask them and they can help you work it out. You 4 talk back and forth with them, and if you're seeing 5 something and you're wrong, they'll tell you and 6 they'll explain it so you know where you should be 7 with it.</p> <p>8 BY MR. HOLLAND:</p> <p>9 Q. Okay. Let's turn to the subject of 10 wanteds. So you were -- as the July 2015 policy was 11 issued, you were in the academy and then in 12 September you started in the field. At that point 13 what was your understanding of a wanted?</p> <p>14 A. My understanding of a wanted was --</p> <p>15 Q. And sorry to interrupt. I'm asking at 16 that point. So September 2015, not as you sit here 17 today. At that point what was your understanding of 18 a wanted?</p> <p>19 A. My --</p> <p>20 MR. HUGHES: Just so -- you can answer, 21 but my objection is to form of the question as just 22 vague. Calls for speculation. But you can answer.</p> <p>23 THE WITNESS: Can you ask your 24 question?</p> <p>25 MR. HUGHES: She can read it. He can</p>

10 (Pages 37 to 40)

CHRISTOPHER PARTIN 2/8/2017

1 rephrase it if you want, or you can ask the court 2 reporter to just read it back. 3 THE WITNESS: Can you -- 4 MR. HUGHES: But if you want him to 5 rephrase it. 6 BY MR. HOLLAND: 7 Q. I'll just rephrase it. 8 MR. HUGHES: Okay. I mean, I think -- 9 I think -- and I don't know. Maybe I'm putting 10 words in his mouth -- that my objection distracted 11 him. So that's why I said you could ask the court 12 reporter to reread it. 13 BY MR. HOLLAND: 14 Q. Let me ask this: Has your 15 understanding of a wanted changed from 16 September 2015 until the point we sit here today? 17 A. No. 18 Q. What is your understanding of a wanted? 19 A. My understanding of a wanted is that 20 you have to have probable cause before you can put 21 anyone out as wanted. 22 Q. Probable cause for what? 23 A. Probable cause to believe that they 24 were the one that committed the crime. 25 Q. What is the purpose of entering a	Page 41 1 MR. HOLLAND: There's no reason to 2 interject. I'll reask the question. 3 MR. HUGHES: Okay. 4 BY MR. HOLLAND: 5 Q. Once you have issued a wanted and 6 you've spoken -- once you have spoken to the 7 person -- strike that. 8 Once you have spoken to the person who 9 is the subject for the wanted, is there a reason to 10 keep the wanted in place or issue the wanted at all? 11 A. Once you've spoke to them? 12 Q. Yes. 13 A. Once you've spoke to them, it's 14 canceled immediately. 15 Q. How is it canceled? 16 A. You call CARE and they type up a new 17 teletype that cancels the wanted on them so that if 18 they're ran through any police system, the wanted no 19 longer shows. 20 Q. Why do you issue a wanted instead of 21 going to get a warrant for -- well, strike that. 22 You issue a wanted to speak to a person 23 and how do you go about -- strike that. 24 You said that the purpose of showing a 25 wanted is to speak to the person who is wanted. The
1 wanted? 2 A. The purpose of entering a wanted is to 3 be able to speak with the person that was involved 4 in the case to see -- to give -- to give them their 5 opportunity to say what happened. 6 Q. And by the person involved in the case, 7 you mean the suspect? 8 A. Correct. 9 Q. Is there a purpose for a wanted once 10 you've spoken to a person who is the wanted? 11 MR. HUGHES: I'd just object to the 12 form. I think it's a little confusing and 13 ambiguous. 14 MR. HOLLAND: I'll rephrase. 15 Q. So you've said that the purpose of a 16 wanted is to speak to the person involved in this 17 case who you have said is the wanted. Once you have 18 spoken to the person, is there a need for the wanted 19 to remain? 20 MR. HUGHES: Once he has spoken to the 21 person -- to the suspect in person? Is that what 22 you mean? 23 MR. HOLLAND: Mike, I asked a simple 24 question. 25 MR. HUGHES: Okay.	Page 42 1 way that the -- that is -- that that occurs is that 2 the person -- the hope of the wanted is that the 3 person will be arrested and brought in so that you 4 can have that opportunity. Is that accurate? 5 A. It's to afford them the opportunity to 6 either speak on what had happened or to not speak. 7 That way you can issue them a summons or let them 8 know I will be applying through the County Counselor 9 or the State Prosecuting Attorney's Office. 10 Q. At the point that you issue a wanted, 11 do you believe that the person should be arrested 12 for the offense? 13 MR. HUGHES: My only objection it's 14 been answered already, but go ahead. 15 THE WITNESS: Could you read that back? 16 BY MR. HOLLAND: 17 Q. I'll rephrase. When you issue a wanted 18 or enter it into the system, have you reached the 19 point in your investigation where you believe the 20 person should be arrested for the offense? 21 A. Repeat that back one more time. 22 Q. Sure. No problem. So you -- you have 23 reached the point in your investigation where you 24 want to enter a wanted into the system for John Doe. 25 At that point do you believe John Doe should be

11 (Pages 41 to 44)

CHRISTOPHER PARTIN 2/8/2017

Page 45	Page 47
<p>1 arrested for the offense, taken into custody?</p> <p>2 A. Yes.</p> <p>3 Q. Why issue the wanted instead of going</p> <p>4 to the prosecutor's office and obtaining an arrest</p> <p>5 warrant?</p> <p>6 A. Because the County Counselor's Office</p> <p>7 or the PA's Office usually won't even -- on the</p> <p>8 smaller cases, won't look at them unless the person</p> <p>9 has been afforded the opportunity to voice their</p> <p>10 side of the allegation.</p> <p>11 Q. Just for clarification, what do you</p> <p>12 mean by PA's Office?</p> <p>13 A. Prosecuting Attorney's Office.</p> <p>14 Q. Who -- strike that.</p> <p>15 Have you ever gone to the prosecutor's</p> <p>16 office and had them -- or the PA's Office and had</p> <p>17 them tell you that you need to first make -- speak</p> <p>18 with the suspect before they would issue a -- an</p> <p>19 arrest warrant?</p> <p>20 A. Repeat that. Could you repeat that?</p> <p>21 Q. Yes, of course. Have you -- so you</p> <p>22 just said that one of the reasons why you would</p> <p>23 issue a wanted instead of going to seek an arrest</p> <p>24 warrant at the prosecutor or PA's Office is because</p> <p>25 the prosecutor's office would tell you, especially</p>	<p>1 without talking to the suspect. You said that you</p> <p>2 haven't personally been told that by the prosecutor</p> <p>3 or PA's Office. Have you personally been told that</p> <p>4 by a supervisor?</p> <p>5 A. No.</p> <p>6 Q. Have you been told that by other</p> <p>7 officers?</p> <p>8 A. Could you repeat that one more time?</p> <p>9 Q. Yes. You -- so what we're talking</p> <p>10 about is how you came to know that instead of</p> <p>11 issuing, entering a wanted that will subject the</p> <p>12 person to a custodial arrest to -- for communication</p> <p>13 purposes, you -- it is not worth going down to the</p> <p>14 prosecutor or PA's Office to obtain a warrant</p> <p>15 because you would be -- they would not issue one</p> <p>16 without you first communicating with the suspect and</p> <p>17 we're -- we're trying to find out -- or I'm trying</p> <p>18 to find out how you came to understand that to be</p> <p>19 the case. And you said the PA's, prosecutor's</p> <p>20 office, did not tell you that, a supervisor has not</p> <p>21 told you that, so I'm just -- who told you that?</p> <p>22 A. Other officers.</p> <p>23 Q. Do you know who it was?</p> <p>24 A. No.</p> <p>25 Q. So you said earlier that the purpose of</p>

Page 46	Page 48
<p>1 in smaller cases, that they will not even entertain</p> <p>2 or provide a warrant without giving the suspect an</p> <p>3 opportunity to communicate their side of the story?</p> <p>4 A. Correct.</p> <p>5 Q. Have you ever done that and been told</p> <p>6 go talk to the person first before I'm going to give</p> <p>7 you an arrest warrant personally?</p> <p>8 A. No, because most of the time you have</p> <p>9 to get approval from a supervisor to talk to them</p> <p>10 about -- I mean, most supervisors won't let you go</p> <p>11 down to the County Counselor's Prosecuting</p> <p>12 Attorney's Office because it will take you -- you</p> <p>13 could spend three hours there for an answer that</p> <p>14 basically you already knew was going to happen.</p> <p>15 Q. So have you had supervisors told you to</p> <p>16 go talk to a suspect first rather than going to the</p> <p>17 prosecutor's office?</p> <p>18 A. Most of the time it's -- if you haven't</p> <p>19 talked to them, they're not going to allow you to</p> <p>20 send it off to the County Counselor or the state's</p> <p>21 prosecuting attorney without having once talked to</p> <p>22 them.</p> <p>23 Q. I'm just trying to understand how you</p> <p>24 personally know that the prosecutor's office won't</p> <p>25 entertain your application for an arrest warrant</p>	<p>1 entering a wanted is to give the suspect an</p> <p>2 opportunity to communicate with the officer before</p> <p>3 you pursue a warrant. Who told you that that is the</p> <p>4 purpose of entering a wanted?</p> <p>5 A. I'm not sure.</p> <p>6 Q. Maybe it will help if -- if you could</p> <p>7 walk me through your understanding of the wanted</p> <p>8 process. So you receive a -- a dispatch and there</p> <p>9 is an allegation made against John Doe. From that</p> <p>10 point, what needs to happen before you enter a</p> <p>11 wanted into the system for John Doe?</p> <p>12 A. What's the allegation against him?</p> <p>13 Q. The allegation is that he assaulted his</p> <p>14 neighbor.</p> <p>15 A. The victim statement and a third -- a</p> <p>16 third party's account of the incident.</p> <p>17 Q. Third party's account of the incident,</p> <p>18 what does that involve?</p> <p>19 A. Someone who witnessed it who is not --</p> <p>20 someone who witnessed the incident who is not taking</p> <p>21 a side of this person over this person. Basically,</p> <p>22 to them it doesn't matter -- it doesn't matter who</p> <p>23 assaulted who. It's this is what I saw. This is</p> <p>24 what happened.</p> <p>25 Q. They're --</p>

12 (Pages 45 to 48)

CHRISTOPHER PARTIN 2/8/2017

1 A. They're an independent witness. 2 They're not for this person; they're not for this 3 person. They're just middle and had observed it. 4 Q. An eyewitness account? 5 A. Yeah. 6 Q. And at that point you would believe you 7 have probable cause to issue a wanted? 8 A. Based on the evidence and a third 9 party's eyewitness. 10 Q. Would you do anything else before 11 entering the wanted? 12 A. I would -- now, before I would enter a 13 wanted, I would speak with a supervisor and verify 14 that I have enough and -- to make sure that I'm -- 15 I'm good with my probable cause. 16 Q. And prior to September 2016, what would 17 you do? 18 A. Prior to September of 2016? Most of 19 the time I still -- if I questioned something, I 20 would run it by my supervisor first. 21 Q. If you thought you didn't have any 22 reason to question something, you would not speak to 23 your supervisor? 24 A. When I was with a field trainer, I 25 would speak with the field trainer about it. After	Page 49	Page 51 1 for John Doe prior to Exhibit 2 coming into effect? 2 What did you do at that point to get the wanted into 3 the system? 4 A. Well, while I was on field training, I 5 would ask the field -- I would talk it over with the 6 field trainer, and if he said you have enough 7 probable cause, you can enter a wanted. I would 8 enter a wanted. From -- and then so basically 9 Christmas of '15 to September of '16, if I had 10 questions on something, I still talked to a 11 supervisor about it. 12 Q. And my question -- my next question is 13 about the technical details. What do you do? 14 You're on the scene -- what do you do to get the 15 wanted into the system? 16 A. You would call CARE. Q. And what is CARE? 18 A. Computer Automated Report Entry, and 19 you would call them and then you would go through 20 the beginning parts of the report, where you were, 21 what time you got there, who was involved, your 22 suspect, your victim, your witnesses, and then you 23 would tell her, I need to put John Doe out as wanted 24 for this charge, and they would send a teletype and 25 that would show in the system, and then it would be,
1 I got off field training, it was told to me by quite 2 a few supervisors and lieutenants, if you have a 3 question, ask. You're still new, you're still 4 learning, and you'll be learning for the first few 5 years, so don't be afraid to ask a question. 6 Q. Okay. So you're at the point where you 7 determined that you have probable cause and would 8 like to enter a wanted for John Doe. I've never 9 been on that scenario. What do you do to make that 10 happen? 11 A. To enter a wanted? Q. Yeah. 13 A. Typically, the way I do it is I usually 14 go -- respond to wherever my supervisor -- after I 15 clear from the call, I respond to wherever my 16 supervisor is and I talk to him face-to-face, give 17 him -- tell him what happened with the case, how -- 18 how the suspect was identified, and -- 19 Q. Can I stop you for a second? I'm 20 sorry. This is my fault. I guess what I'm more 21 interested in is, prior to September 2016, what 22 would you have done in our scenario, our 23 hypothetical where you've determined John Doe is -- 24 you believe you have probable cause that John Doe 25 committed assault, and you wanted to enter a wanted	Page 50	Page 52 1 contact Officer Partin upon arrest. Q. And as you're on the phone or the radio 3 with CARE, are you providing this information from 4 your head or have you been taking notes and -- 5 A. From notes. Q. Do you typically keep those notes? 7 A. No. Q. Do you typically keep those notes for 9 the life of an investigation? 10 A. No. Q. Do you typically discard those notes 12 the same day? 13 A. No. Q. How -- how long do you maintain notes 15 from a call that leads to a wanted? 16 A. From a call that leads to a wanted? Q. Or excuse me -- strike that. 18 How long do you keep notes from your 19 investigation of an incident that leads to a wanted? 20 A. Until the case is cleared. By cleared, 21 I mean he's either issued a -- he's either issued a 22 summons or the report is forwarded to the County 23 Counselor, or I mean, when the report is approved, 24 if it's going to be like a warrant application. Q. Okay. So you have entered the wanted

13 (Pages 49 to 52)

CHRISTOPHER PARTIN 2/8/2017

Page 53	Page 55
<p>1 into the system. What do you do next?</p> <p>2 A. If --</p> <p>3 MR. HUGHES: I just object to the form</p> <p>4 of the question. I mean, maybe it's being too</p> <p>5 technical, but I think he testified the CARE clerk</p> <p>6 enters it and --</p> <p>7 MR. HOLLAND: You're right, Mike.</p> <p>8 You're right. I'll rephrase to be accurate.</p> <p>9 Q. So you have the CARE person send out</p> <p>10 the teletype that John Doe is wanted. Let me ask</p> <p>11 you, if you are familiar with John Doe, would you do</p> <p>12 any of your own attempts to contact John Doe prior</p> <p>13 to entering the wanted?</p> <p>14 A. Yes.</p> <p>15 Q. What would you do?</p> <p>16 A. If his -- so if it happened at like a</p> <p>17 business and, you know, I would -- and we knew who</p> <p>18 he was and where he lived, I would swing by the</p> <p>19 house and try and talk to him there. I would look</p> <p>20 up phone numbers to see if I could get ahold of him,</p> <p>21 but ...</p> <p>22 Q. So in our scenario, John Doe assaulted</p> <p>23 his neighbor. You arrive on the scene, you gather</p> <p>24 as much information as you can about the victim,</p> <p>25 about the suspect. You learn that the suspect lives</p>	<p>1 Prosecuting Attorney's Office, you have summonses</p> <p>2 for a reason. The Prosecuting Attorney's Office is</p> <p>3 dealing with other cases. Simple stuff, you don't</p> <p>4 want to send off to the PA's Office because it will</p> <p>5 sit there because they've got other more pressing</p> <p>6 issues.</p> <p>7 The County Counselor, they have other</p> <p>8 pressing issues. The simpler stuff, they prefer</p> <p>9 that you issue summons and let them go to night</p> <p>10 court and deal with it there as opposed to tying up</p> <p>11 the already overworked County Counselors and PA's</p> <p>12 Office.</p> <p>13 MR. HOLLAND: Do you want to take a</p> <p>14 quick break?</p> <p>15 MR. HUGHES: Sure.</p> <p>16 MR. HOLLAND: It's been about an hour.</p> <p>17 THE VIDEOGRAPHER: The time is 10:37.</p> <p>18 We are off the record.</p> <p>19 (Recess taken.)</p> <p>20 THE VIDEOGRAPHER: The time is 10:55.</p> <p>21 We are back on the record.</p> <p>22 BY MR. HOLLAND:</p> <p>23 Q. Officer Partin, I just want to revisit</p> <p>24 a few things we discussed prior to taking a break,</p> <p>25 focusing in on interactions or things you understand</p>
<p>1 next door. Prior to entering the wanted, you might</p> <p>2 try to talk to the person first, right?</p> <p>3 A. Yes.</p> <p>4 Q. And when do you deem that unsuccessful</p> <p>5 in terms of, okay, I've tried to contact this</p> <p>6 person; I now need to enter the wanted?</p> <p>7 A. Usually it's before the end of the</p> <p>8 shift.</p> <p>9 Q. Okay. So back to the question which I</p> <p>10 did not ask too well a moment ago. You have CARE</p> <p>11 enter the wanted. It is in the system. It is sent</p> <p>12 out to other St. Louis County police officers? What</p> <p>13 do you do next?</p> <p>14 A. You can conduct follow-ups. You can --</p> <p>15 I mean, if his home is in the area where you work,</p> <p>16 you can swing by, see if the car that he's known to</p> <p>17 drive is there. If it's not there, you can get out</p> <p>18 and knock on the door. Just basically conduct</p> <p>19 follow-ups.</p> <p>20 Q. And during this time period, you are</p> <p>21 not pursuing an arrest warrant or trying to obtain</p> <p>22 one from the prosecutors or PA's Office because of</p> <p>23 the policy that you first needed to give the suspect</p> <p>24 an opportunity to communicate, correct?</p> <p>25 A. That, and the PA's Office, the</p>	<p>1 to be the case involving the prosecutor's -- the</p> <p>2 PA's Office, as you called it. You also mentioned</p> <p>3 the counselor's office being involved; is that</p> <p>4 correct?</p> <p>5 A. In what aspect?</p> <p>6 Q. I believe you said that the County</p> <p>7 Counselor Office plays a role or kind of directs you</p> <p>8 not to take small stuff to the prosecutor's office;</p> <p>9 is that correct?</p> <p>10 A. No, it's not the counselor's office</p> <p>11 that directs it.</p> <p>12 Q. Who is it?</p> <p>13 A. It's not them that directs it. It's</p> <p>14 kind of told among officers.</p> <p>15 Q. Told among officers what?</p> <p>16 A. Just you're better off to give the</p> <p>17 suspect an opportunity to speak in regards to the</p> <p>18 incident before you proceed so that the County</p> <p>19 Counselor can -- or State Prosecuting Attorney's</p> <p>20 Office can make the best decision.</p> <p>21 Q. And just the involvement there of the</p> <p>22 County Counselor, when would they be involved? When</p> <p>23 would you go to the County Counselor's Office</p> <p>24 instead of the PA's Office?</p> <p>25 A. Usually all felonies go straight to the</p>

14 (Pages 53 to 56)

CHRISTOPHER PARTIN 2/8/2017

Page 57	Page 59
<p>1 PA's Office. The lesser crimes go to the County 2 Counselor's Office.</p> <p>Q. Can you be more specific with the --</p> <p>with the separation there, lesser crimes versus</p> <p>higher crimes?</p> <p>6 A. Murder, domestic assault first, 7 robbery, that type of stuff would go to the PA's 8 Office. County Counselor, endangering the welfare 9 of a child, drug charges.</p> <p>Q. And your understanding is, whether you</p> <p>have lesser crimes or higher crimes -- whether you</p> <p>have to go to the PA's Office or the County</p> <p>Counselor's Office, your understanding is that the</p> <p>practice that you should undertake is to first speak</p> <p>with the suspect prior to going to either of those</p> <p>offices?</p> <p>17 A. Yes.</p> <p>Q. And you said earlier that other</p> <p>officers told you that this was the practice?</p> <p>20 A. Yeah.</p> <p>Q. What exactly did they tell you?</p> <p>22 A. That you're better off to talk to the 23 suspect before you pass it along because it just 24 gives them an idea of what, you know -- most things 25 are he said/she said. Not everything is clearcut</p>	<p>1 you're the victim, I'm getting one side of the 2 story. Now you could be -- you could be telling the 3 whole truth and there could be -- there could be 4 some truth, so some of what you're saying could be 5 true; some of what you're saying may not be.</p> <p>6 But until I talk to the other party 7 involved and get their side of what's going on, 8 it's, you know -- you take what they say, and then 9 you talk to the suspect, and then you put into what 10 they say, and then you look at the differences. You 11 know, if you're saying that the pen is blue -- 12 blue-green and he's saying, well, maybe it's more 13 blue than it is green, you've got to give everyone 14 their opportunity to give their argument of the side 15 before you go any further.</p> <p>Q. And the way to get the suspect's side</p> <p>of the story is to enter the wanted?</p> <p>18 A. To speak to him.</p> <p>Q. The way to get the suspect's story is</p> <p>to enter the wanted?</p> <p>21 MR. HUGHES: Objection. Asked and 22 answered. Repetitive.</p> <p>23 MR. HOLLAND: I don't think he answered 24 the question.</p> <p>25 MR. HUGHES: I think he did, but I made</p>
<p>1 and dry like that, so you want to give everyone 2 their opportunity to speak before you pass it along 3 because that could be the difference between, you 4 know, actually being something to not being 5 something.</p> <p>Q. So what they told you was to -- you</p> <p>know, in order to further your investigation and</p> <p>make sure you have enough to take to the County</p> <p>Counselor or PA, you should -- you should issue the</p> <p>wanted and speak with the person?</p> <p>11 A. If you have enough information to -- if 12 you have enough probable cause to put someone out 13 wanted, put them out wanted. If you don't, continue 14 with your investigation until either you have enough 15 evidence of probable cause -- and probable cause to 16 do so or you just have to deactivate the case.</p> <p>Q. Sorry. Maybe you didn't understand my</p> <p>question, and that could be my fault. So you said</p> <p>that what these other officers told you was before</p> <p>going to the PA's Office or the County Counselor's</p> <p>Office, you want to give the other person an</p> <p>opportunity to talk to them because maybe there's</p> <p>nothing there; is that accurate?</p> <p>24 A. There's always two sides to every 25 story. And if I'm talking to you, you're -- and</p>	<p>1 my objection. Go ahead.</p> <p>2 BY MR. HOLLAND:</p> <p>Q. The way to -- so what you're saying</p> <p>here is you speak to the victim in this</p> <p>hypothetical. Get their side of the story. Before</p> <p>going to the PA's Office or the County Counselor's</p> <p>Office, your understanding, based on what officers</p> <p>have told you, is that the practice is to hear the</p> <p>other side of the story from the suspect. The way</p> <p>you do that is by issuing a wanted; is that</p> <p>accurate?</p> <p>12 A. You don't have to -- could you repeat 13 that one more time?</p> <p>14 MR. HOLLAND: Can you read back the 15 question, please.</p> <p>16 (Record read by the reporter.)</p> <p>17 THE WITNESS: It's one way.</p> <p>18 BY MR. HOLLAND:</p> <p>Q. What is your definition of "probable</p> <p>cause"? Better way to ask that is, how would you</p> <p>define "probable cause"?</p> <p>22 A. Have enough reason to believe that they 23 were the one that committed the crime.</p> <p>Q. How did you learn that? How did you</p> <p>come to have that understanding that that's the</p>

15 (Pages 57 to 60)

CHRISTOPHER PARTIN 2/8/2017

1 definition of probable cause? 2 A. Through the academy. Through field 3 training. 4 Q. Did someone tell you that or was it in 5 a document that you read? 6 A. It's with what you read in the academy, 7 constitutional law. 8 Q. Were you told anything else about 9 probable cause other than that definition? 10 A. There's a lot about probable cause. If 11 you reasonably believe and have knowledge from -- 12 you know, in regards to this instance, if you have 13 the victim, what she's saying matches what you have, 14 plus you have an independent third-party witness 15 that says this is what happened, you can put two and 16 two together and you can see here's my probable 17 cause. I can clearly see this happened to this 18 extent. 19 Q. And the -- so related to that, you 20 believe you have probable cause and you said earlier 21 that instead of going to the County Counselor's 22 Office or PA's Office, you enter the wanted. So I 23 guess what I want to ask you about is what is your 24 understanding of the requirements of the PA's Office 25 or the County Counselor's Office in issuing a -- an	Page 61 1 your part that you need to speak with the suspect 2 before obtaining an arrest warrant from the 3 prosecutor's office or the County Counselor's 4 Office, why would you issue a wanted? 5 A. Because I want to know the whole -- I 6 want to know the whole story before I present the 7 case to them. It does me no good if I present them 8 half the case before trying to get a warrant. 9 Q. So you -- sorry. 10 A. You don't -- there's no point in taking 11 a case to them if you don't have the whole story. 12 If I give you half the story, something could be 13 missed, something could be overlooked, something 14 could get thrown out. I try to present the best 15 case I can to them and let them make their decision, 16 and by presenting the best case I can to them, I 17 need to know what the victim says, what the suspect 18 says, and then let them figure out who's right and 19 who's wrong. That's ... 20 Q. So you entered wanteds knowing half the 21 story? 22 MR. HUGHES: Objection. It's 23 argumentative. Object to the form of the question. 24 And it misstates his testimony and only states half 25 of what he said, not even half. A word of what he
1 arrest warrant? What is needed for them to do that? 2 A. Probable cause. 3 Q. Anything else? 4 A. Enough evidence to support that 5 probable cause. 6 Q. And you said it's your understanding 7 that they also have this policy of requiring you to 8 communicate with the suspect? 9 A. I don't know if they have a policy for 10 that. This is -- this is officers talking. This 11 isn't a directive from the PA's Office or the County 12 Counselor's Office. 13 Q. So is it your understanding that 14 there's no difference between the requirements of 15 getting a warrant and entering a wanted? 16 A. Except the practice and department 17 policy says that you'll -- if you have enough 18 probable cause, you'll enter someone as wanted, 19 speak with them before you proceed. 20 Q. If you didn't have this understanding 21 from other officers that you should first try to 22 communicate with the suspect before pursuing a 23 warrant, would you ever issue a wanted? 24 A. If I have enough probable cause, yes. 25 Q. If there wasn't this understanding on	Page 62 1 said in his full answer. 2 MR. HOLLAND: Objection to form is 3 fine. 4 Q. But he -- so you said that one of the 5 reasons why you would continue to issue wanteds even 6 if this understanding of yours that you -- that 7 that's what the PA and County Counselor's Office 8 prefer is because you want to complete your 9 investigation, and you said that you don't want to 10 present them with half the story; is that accurate? 11 A. Yes. 12 Q. So in those instances, you would enter 13 a wanted? 14 A. If I had enough probable cause. 15 Q. So you mentioned earlier that -- excuse 16 me -- once you enter the wanted, your practice is to 17 thereafter conduct follow-up? 18 A. Yes. 19 Q. Can you describe that in more detail? 20 A. If I know where they live, I -- and I 21 know, you know, what they drive, swing by their 22 house. If their car is there, knock on the door. 23 If the car is not there, but, you know, still knock 24 on the door, try to talk to them. That way the 25 wanted doesn't have to sit out there longer than

16 (Pages 61 to 64)

Page 65	Page 67
<p>1 necessary.</p> <p>2 Q. And at what point during this follow-up</p> <p>3 would you cancel the wanted?</p> <p>4 A. When I know the whole entire story.</p> <p>5 When I -- I would cancel the wanted once either, you</p> <p>6 know, I can't go any further with it. I've tried</p> <p>7 finding it. I've, you know -- in this instance, he</p> <p>8 presents himself to me, says, I'm not going to talk.</p> <p>9 Okay. Well, but I want to see it face-to-face.</p> <p>10 That way, when I hand you the paperwork or a summons</p> <p>11 or to let you know what's going on, that's how I</p> <p>12 know, okay, this is -- this is what I'm sending off</p> <p>13 to the County Counselor. This is what's going to</p> <p>14 night court.</p> <p>15 If you don't want to talk, you don't</p> <p>16 have to talk. You have that right. But I wanted to</p> <p>17 afford you that right to speak with me. That way</p> <p>18 they can have your side, his side, and then we can</p> <p>19 be done with it.</p> <p>20 Q. And if you, either prior to entering</p> <p>21 the wanted or during your follow-up, you speak to</p> <p>22 the suspect and they tell you they will not speak to</p> <p>23 you, they have no interest in talking to you about</p> <p>24 this subject matter, would you issue a wanted at</p> <p>25 that point?</p>	<p>1 communicate their side of the story; is that</p> <p>2 accurate?</p> <p>3 A. Yes.</p> <p>4 Q. If that suspect tells you they will not</p> <p>5 talk to you about this case, what is the purpose for</p> <p>6 entering that wanted?</p> <p>7 A. If I spoke to you over the phone, just</p> <p>8 because you say you're John Smith, does not mean you</p> <p>9 are John Smith. Until I have you in front of me and</p> <p>10 I can see, okay, yeah, you are John Smith, that --</p> <p>11 that is how I know, okay, you are -- you are John</p> <p>12 Smith and you are saying I'm not going to talk to</p> <p>13 you.</p> <p>14 Your friend could say, yeah, I'm John</p> <p>15 Smith and I'm not going to talk to you, I have --</p> <p>16 over the phone I have no way of verifying that you</p> <p>17 are John Smith and that I am actually talking to</p> <p>18 John Smith until you are in front of me. That's --</p> <p>19 Q. Is that your personal policy or did</p> <p>20 somebody tell you that that's how you should</p> <p>21 practice your police work?</p> <p>22 A. That's me.</p> <p>23 Q. So in that scenario, if you have no</p> <p>24 doubt that the person you're speaking to is who</p> <p>25 you're speaking to, would there then be any need to</p>
Page 66	Page 68
<p>1 MR. HUGHES: Well, excuse me. I'd just</p> <p>2 object to the form of the question. I object to the</p> <p>3 form of the question. It's vague as to facts and</p> <p>4 calls for speculation and conjecture as to whether</p> <p>5 or not you're asking if he's speaking to someone in</p> <p>6 person face-to-face.</p> <p>7 BY MR. HOLLAND:</p> <p>8 Q. I'm just asking a simple question about</p> <p>9 speaking with the witness. We can --</p> <p>10 MR. HUGHES: Speaking to a witness on</p> <p>11 the phone? Speaking to the witness in person?</p> <p>12 BY MR. HOLLAND:</p> <p>13 Q. Prior to issuing a wanted, if you spoke</p> <p>14 to the suspect and they told you that they have no</p> <p>15 interest in talking to you, they will not speak to</p> <p>16 you, whether themselves or with an attorney present,</p> <p>17 would you still enter a wanted?</p> <p>18 MR. HUGHES: Same objection as before.</p> <p>19 THE WITNESS: Can you read that back?</p> <p>20 (Record read by the reporter.)</p> <p>21 THE WITNESS: If I had enough probable</p> <p>22 cause, yes.</p> <p>23 BY MR. HOLLAND:</p> <p>24 Q. Your testimony today has been that the</p> <p>25 purpose of the wanted is to allow the suspect to</p>	<p>1 show a wanted?</p> <p>2 A. There's always doubt, because if I've</p> <p>3 never dealt with you before and I don't know your</p> <p>4 voice, and I'm not a professional on voices, I can't</p> <p>5 tell you from my uncle. I mean, there's no --</p> <p>6 there's no way to distinguish that I'm actually</p> <p>7 speaking to who I want to speak to.</p> <p>8 Q. So until you -- your personal practice</p> <p>9 is that until you meet with this person</p> <p>10 face-to-face, the wanted -- the wanted needs to</p> <p>11 remain in place?</p> <p>12 A. As long as I have probable cause, yes.</p> <p>13 Q. And during your follow-up, if you</p> <p>14 encounter this person at their house, would you</p> <p>15 arrest them pursuant to the warrant -- wanted?</p> <p>16 A. If I -- if I pull up to your</p> <p>17 house, knock on the door, you answer and you talk to</p> <p>18 me, it -- I mean, if you don't have warrants, I</p> <p>19 don't have -- I don't need to take you in on the</p> <p>20 wanted. I can -- basically, right there I can do</p> <p>21 everything I need to do without taking you in, and I</p> <p>22 can get rid of the wanted just the same as if you go</p> <p>23 to intake.</p> <p>24 Q. So today your testimony has kind of</p> <p>25 framed wanteds as -- the purpose of wanteds as</p>

CHRISTOPHER PARTIN 2/8/2017

Page 69	Page 71
<p>1 providing a suspect with an opportunity to tell 2 their side of the story; is that accurate?</p> <p>3 A. Yes.</p> <p>4 Q. So does that seem -- to you is that 5 something that that person should be arrested for?</p> <p>6 MR. HUGHES: You know, he's given you 7 that answer multiple times, so I'd just object.</p> <p>8 Asked and answered.</p> <p>9 BY MR. HOLLAND:</p> <p>10 Q. I'll reask it. I believe earlier I 11 asked you whether a person on a wanted you felt -- 12 you feel they should be arrested. What I'm asking 13 you is whether you think providing the suspect with 14 an opportunity to tell their side of the story is 15 a -- an appropriate basis for arrest.</p> <p>16 A. If they're not in front of me and it's 17 someone else arresting them, then, yes. If I'm not 18 speaking to them, if I have not spoken to them and 19 it's a different officer arresting them, then, yes, 20 it would be reason to arrest them.</p> <p>21 But as far as if the person that has 22 the wanted is standing in front of me, there's no 23 need to -- I mean, I can talk to you in a -- in an 24 open room or I can talk -- you know, there's no 25 point in causing more work and headache for your --</p>	<p>1 A. After I've issued?</p> <p>2 Q. Correct.</p> <p>3 A. After I've issued a wanted?</p> <p>4 Q. Correct.</p> <p>5 A. At their home, no. On the street, yes.</p> <p>6 Q. Can you describe what happened in that 7 situation?</p> <p>8 A. I had a road rage incident that had 9 happened on Lindbergh. I had a perfect description 10 of the vehicle and a license plate. I went by the 11 house numerous times. I sent other officers by the 12 house numerous times, and the guy claimed that it 13 was his brother who had possession of the truck. 14 And the house that we had gone to, the brother did 15 not live at and the person at the house was very 16 uncooperative.</p> <p>17 One day I just so happened to see a 18 vehicle matching my case description that had no 19 license plates on it, and I stopped it and he 20 identified himself, and it just so happened to be 21 the vehicle that I had out wanted. He was not 22 arrested and that teletype was canceled immediately.</p> <p>23 Q. What happened during the interaction?</p> <p>24 A. I spoke with him. I was like, you 25 know, he never went -- he did not go in handcuffs.</p>
Page 70	Page 72
<p>1 for both of us. I mean, by the time you go through 2 the booking process, I mean, it could be a few 3 hours.</p> <p>4 Q. So if you were following up on a 5 suspect at their home, you said that you don't have 6 to arrest them, but would you arrest them pursuant 7 to a wanted?</p> <p>8 MR. HUGHES: Just -- just object. It's 9 just overbroad and vague and ambiguous. Object to 10 form. Okay. Go ahead.</p> <p>11 THE WITNESS: If it's my wanted, I 12 wouldn't have to arrest them. If they had warrants, 13 I would be bound to arrest them. But if it's my 14 wanted, no. If it's another officer's wanted, yes. 15 If it's my case, my wanted, then, no.</p> <p>16 BY MR. HOLLAND:</p> <p>17 Q. Have you ever arrested a -- well, 18 strike that.</p> <p>19 How many wanteds have you entered in 20 your police career?</p> <p>21 A. I do not know.</p> <p>22 Q. More than ten?</p> <p>23 A. I do not know.</p> <p>24 Q. Have you ever, upon following up on a 25 wanted, encountered a suspect at their home?</p>	<p>1 I just -- talking to him. He talked to me about it 2 and was like, Okay. Well, now I have your side of 3 it. I had her side. Now I have your side. 4 She said she's willing to go to court. 5 You guys can both go to court on this date and talk 6 about -- and the judge will decide if -- if the case 7 warrants further or if it doesn't, but he was not -- 8 he was not arrested. He was on the side of the road 9 with me for maybe 15 minutes at most, and then he 10 was on his way.</p> <p>11 Q. Have you ever issued a wanted and then 12 thereafter sought a warrant, arrest warrant?</p> <p>13 A. No.</p> <p>14 Q. Why not?</p> <p>15 A. Most of what -- most of the cases that 16 I've had I've usually arrested the person on -- 17 arrested them, and in certain instances I've 18 arrested them on the scene of the incident and 19 conducted warrant application while they were in 20 custody, or usually it's -- actually, I would like 21 to retract that. There is one where I issued a 22 wanted and then applied on a warrant.</p> <p>23 Q. Can you tell me about that?</p> <p>24 A. I was patrolling in an area where I saw 25 a vehicle that had -- so every year on your plate,</p>

18 (Pages 69 to 72)

CHRISTOPHER PARTIN 2/8/2017

1 the year corresponds with the color. '16 is black, 2 '17 is red. I saw a vehicle that had a black '17 3 sticker which -- well, they don't even make black 4 '17 stickers, so I initiated a traffic stop. And 5 there's two occupants. 6 The driver identified -- there was 7 warrants attached to the plates. The driver 8 identified himself and I knew he was the driver that 9 had the warrants. The female passenger 10 identified -- falsely identified herself, and as I 11 returned to my vehicle, I found that the driver had 12 felony warrants. Not wanteds, warrants. 13 And as I was -- it's our practice that 14 you don't just go and try and arrest a person with 15 felony warrants, especially when they have caution 16 codes for being violent. You wait for another 17 officer to get there to assist you. You never know 18 what's going to happen. 19 On this traffic stop from where my 20 position was, they actually had to go a roundabout 21 way to get there and the female exited the 22 vehicle -- I still had not been able to identify the 23 female, and she exited the vehicle and fled from the 24 scene. 25 Other officers arrived 15 seconds after	Page 73 1 A. The amount of -- there are certain -- 2 there are certain things that you can issue a 3 summons for. There are certain things you can't 4 issue a summons for. And if -- and in this 5 instance, since she had felony -- she had numerous 6 felony charges, active warrants, I went to the state 7 PA's Office, because in that instance, since she had 8 felony warrants, she fled from me, that means it's 9 felony resisting, so that's why I went with the 10 Prosecuting Attorney's Office. 11 Q. What can you issue a summons for? 12 A. Gas drive-off, drug paraphernalia, 13 marijuana, trespassing, peace disturbance. 14 There's -- there's probably about 15 to 20 charges 15 written on there that -- and then you have your 16 ordinance book where you can do additional other 17 charges that aren't written on the form. 18 Q. And everything else you have to go 19 apply for a warrant for? 20 A. You forward it to the County 21 Counselor's Office and see if -- or the State 22 Prosecuting Attorney's Office. 23 Q. Is this four? 24 A. Yes. 25 Q. Excuse me. Sorry. I'll just mark the
1 she made it to the tree line, and I stayed with the 2 driver because I had him identified, and I knew who 3 he was, and I knew he had felony warrants. They 4 went after her. The driver falsely identified her, 5 but we were able to ascertain who she was and 6 realized that the reason she lied is because she had 7 \$50,000 worth of cash-only bonds for dangerous 8 things. 9 So based on all of this and positive 10 identification, we issued a wanted, and she was 11 picked up approximately, like, a month later by 12 Jefferson County. And since she had \$50,000 13 cash-onlys -- and I mean, this lady did not have 14 very much money to her name and knowing that she did 15 not appear in court numerous times, I knew she 16 wasn't getting out any time soon. 17 I responded to Jefferson County. I 18 interviewed her, and then I came back, canceled the 19 wanted immediately, wrote up my report, and then 20 forwarded it off to the Prosecuting Attorney's 21 Office. 22 Q. So what would cause you to -- after 23 entering a wanted talking to the suspect, what would 24 cause you to apply for a warrant as opposed to 25 issuing a summons?	Page 74 1 whole document. I'm marking as Exhibit 4 Department 2 General Order 10-37, but it also contains later 3 iterations of this -- of this document. Bates 4 number DEF-RFP234, six zeros, 28. 5 (Exhibit 4 was marked for 6 identification.) 7 MS. GROSSMAN: Here you go, Mike. 8 MR. HUGHES: Thank you. 9 BY MR. HOLLAND: 10 Q. And I understand that the cover page 11 you're looking at and the iteration -- the first 12 couple iterations predated your time as a -- as an 13 officer. What I'm interested in starts on page 1 of 14 21. It's lower right-hand corner ending in 57. 15 It's Department General Order 13-37 dated 16 September 25, 2013. 17 A. You said it's which page? 18 Q. It's -- 19 MR. HUGHES: I think this is -- 20 MR. HOLLAND: On the bottom middle it 21 says 11 of 21. 22 MR. HUGHES: Sort of in the middle. 23 MR. HOLLAND: Excuse me, 1 of 21. 24 MR. HUGHES: Yeah, that exhibit. I 25 think I found it.

19 (Pages 73 to 76)

<p style="text-align: right;">Page 77</p> <p>1 MR. HOLLAND: Okay.</p> <p>2 MR. HUGHES: So I showed it to him, so</p> <p>3 he's looking for it, so ...</p> <p>4 THE WITNESS: You said 1 of 21?</p> <p>5 MR. HUGHES: Yeah, this is -- Tim, are</p> <p>6 you saying Department General Order 13-37?</p> <p>7 MR. HOLLAND: That's correct.</p> <p>8 MR. HUGHES: Effective September 25th,</p> <p>9 2013? Okay.</p> <p>10 MR. HOLLAND: That's correct.</p> <p>11 MR. HUGHES: Yeah, 1 of 21.</p> <p>12 MR. HOLLAND: I'm going to hand you one</p> <p>13 more document just to get us up to date.</p> <p>14 (Exhibit 5 was marked for</p> <p>15 identification.)</p> <p>16 MR. HOLLAND: Marking as Exhibit 5,</p> <p>17 Departmental General Order 16-37 dated March 16th,</p> <p>18 2016, Bates DEFRFP234, six zeros, and 78.</p> <p>19 Q. Do you recognize these two documents?</p> <p>20 A. Yes.</p> <p>21 Q. What are they?</p> <p>22 A. Department policy on case management.</p> <p>23 Q. And these are the two versions of this document that were in effect during your time as a police officer?</p>	<p style="text-align: right;">Page 79</p> <p>1 Q. So section -- Roman numeral eight, subsection A reads, "When confronted with a situation where a suspect exists but there is no potential danger to the public or loss of evidence would not occur by delaying the arrest, officers are permitted and encouraged to apply for an arrest warrant or summons prior to effecting a full custody arrest." Did I read that correctly?</p> <p>9 A. Yes.</p> <p>10 Q. Was this your practice?</p> <p>11 A. Yes.</p> <p>12 Q. Would you agree that entering a wanted, your goal is to have the result be a full custody arrest?</p> <p>15 A. Can you repeat that one more time?</p> <p>16 Q. Would you agree that when you enter a wanted, a goal is to have the suspect -- strike that.</p> <p>19 Would you agree that when you enter a wanted, your goal is to effect a full custody arrest, whether by you or an officer who reads the teletype that you directed to be sent out?</p> <p>23 MR. HUGHES: My only objection is it's been asked and answered in a different form when he previously stated what his goal was.</p>
<p style="text-align: right;">Page 78</p> <p>1 A. Yes.</p> <p>2 Q. Okay. If we turn -- if you start with 13-37 and turn to page 11 of 21, section 8 is Warrant Summons Application Procedures; is that accurate? Sorry. I'm looking at Exhibit 4.</p> <p>6 A. Okay.</p> <p>7 Q. Page 11 of 21?</p> <p>8 A. Okay.</p> <p>9 Q. Do you see exhibit -- or section 8 there?</p> <p>11 MR. HUGHES: Roman numeral eight?</p> <p>12 MR. HOLLAND: Roman numeral eight.</p> <p>13 MR. HUGHES: VII -- VIII.</p> <p>14 THE WITNESS: Mine.</p> <p>15 MR. HUGHES: Is it -- are you on</p> <p>16 Exhibit 4?</p> <p>17 THE WITNESS: Yeah, Exhibit 4.</p> <p>18 MR. HUGHES: Allow me to see if I can</p> <p>19 help him find it.</p> <p>20 MR. HOLLAND: Of course. Thank you.</p> <p>21 MR. HUGHES: This is Roman numeral</p> <p>22 eight.</p> <p>23 THE WITNESS: Oh.</p> <p>24 MR. HUGHES: And then --</p> <p>25 MR. HOLLAND: Thanks, Mike.</p>	<p style="text-align: right;">Page 80</p> <p>1 THE WITNESS: If there's enough</p> <p>2 probable cause and it's warranted if he -- in an</p> <p>3 instance where someone has assaulted and has</p> <p>4 warrants, then, yeah, they need a full custody</p> <p>5 arrest.</p> <p>6 BY MR. HOLLAND:</p> <p>7 Q. My question is if you enter a wanted, is the goal of that wanted to have the suspect arrested?</p> <p>10 A. For the ability to give them an</p> <p>11 opportunity to speak their side, yes.</p> <p>12 Q. Officer Partin, I'm just asking a yes-or-no question. If you enter a wanted, is your goal to have the suspect be arrested?</p> <p>15 MR. HUGHES: My objection is asked and</p> <p>16 answered, so he's just repeating the question.</p> <p>17 THE WITNESS: Yes, if it's warranted.</p> <p>18 BY MR. HOLLAND:</p> <p>19 Q. And you told me a few minutes ago that you have entered wanteds and also thereafter applied for a warrant on only one instance.</p> <p>22 A. On one instance that I can remember.</p> <p>23 One that sticks out in my head.</p> <p>24 Q. Have you ever arrested somebody pursuant to another officer's wanted?</p>

20 (Pages 77 to 80)

CHRISTOPHER PARTIN 2/8/2017

1 A. Yes. 2 Q. How many times? 3 A. I do not know. 4 Q. More than ten? 5 A. I do not know. 6 Q. When you arrested that person, what was your basis for the arrest? 7 A. Wanted and/or warrants. 8 Q. I'm focused specifically on wanteds. 9 So your basis for arresting a person, as you said you have done, you look and -- you type in their name, it says they have a wanted, and you effected the arrest? 10 A. Well, just because it's in the computer doesn't mean it's necessarily an active wanted. I mean, we always call and verify to make sure that they are active. 11 Q. Are you aware of wanteds regularly being in the system that are not active? 12 A. Not to my knowledge. But I still verify everything, warrants and wanteds. 13 Q. So why don't you walk me through that process. You enter the name into the system, it says wanted, what do you do to verify that it's still active?	Page 81 1 vehicle, I did not know that was my wanted. I knew 2 I was looking for a vehicle like that, but without 3 it having license plates on it, I had no idea that 4 that was the wanted vehicle I was looking for. 5 Q. What do you mean when you say "wanted vehicle"? 6 A. Typically, whenever I put a vehicle out -- a vehicle that was involved in a crime, it's a stop infer. I just want to know who's in the vehicle. That way I can get an opportunity to talk to them, find out who they are. That way I can see if they remotely come close to the description that I was given. 7 Q. How do you put that vehicle out as being involved in a crime? 8 A. For the stop infer? Same -- same as a wanted for a person except instead of -- I mean, it's not -- it's not -- the wanted is just for, like, stops, not for a tow. You don't have to tow them. You don't have to arrest them. Just stop them, find out who's in it, get the vehicle information, and they pass it along to me for me to conduct a follow-up later. 9 Q. Going back to your -- the discussion about you potentially responding to wanted in the
1 A. Is it a St. Louis County wanted or is it a different department's wanted? 2 Q. Why don't we start with St. Louis County. 3 A. I call the St. Louis County records room. 4 Q. What do they tell you? 5 A. They'll -- if it's a wanted, well, they'll either confirm, yes, it's active or, no, and then we arrest based on that. 6 Q. So in that instance, whether it is warranted is based solely on whether the wanted is in the system and active, in your judgment, where you're not the case officer? 7 A. Yeah. If they say yes, active, then ... 8 Q. You mentioned earlier that when you were walking me through one -- one of the experiences you had that you -- that a vehicle that had been spotted was wanted. Are wanteds just for suspects or are they for vehicles as well? 9 A. You're referring to the traffic stop for the road rage incident? 10 Q. Correct. 11 A. At that -- I -- upon stopping that	Page 82 1 system, when you -- when you do go and check -- when you have gone to check whether that -- whether wanteds are active, have you ever been told that they're not active? 2 A. No. 3 Q. Why did you suggest that as a possibility? 4 A. Well, for -- in regards to other agencies, some agencies when they put out wanteds that aren't warrants, they put extradition limits, so if Franklin County has a wanted and they say they're only going to pick up adjoining agencies, still afford them that opportunity to, hey, this is who we have. If you want them, let us know. It's -- it's to afford the originating agency the opportunity if they -- the person is wanted if they want to spend the extra time to come and get them. 5 MR. HOLLAND: Why don't we take a quick bathroom break, if that's okay. 6 THE VIDEOGRAPHER: The time is 11:42. 7 We are off the record. 8 (Recess taken.) 9 THE VIDEOGRAPHER: The time is 11:54. 10 We are back on the record. 11 BY MR. HOLLAND:

21 (Pages 81 to 84)

CHRISTOPHER PARTIN 2/8/2017

Page 85	Page 87
<p>1 Q. Officer Partin, before we took a break, 2 we were talking about instances in which you have 3 happened upon a person who happens to have a wanted 4 out for them; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. Each time you have done so, has that 7 resulted in you arresting the individual?</p> <p>8 A. There have been instances where I see 9 the officer's name and know that they are working, 10 and I will give them a call and tell them, hey, 11 someone, you have a wanted out. I have him here. 12 If you want to come talk to them and most -- more 13 than likely they always do.</p> <p>14 Q. What happens when the officer is 15 unavailable or you don't recognize the name?</p> <p>16 A. Well, if they're unavailable or don't 17 recognize the name, then I arrest them and take them 18 to Clayton.</p> <p>19 Q. By Clayton, what do you mean?</p> <p>20 A. Justice Services.</p> <p>21 Q. And what happens to them at that point?</p> <p>22 A. The -- they're booked and then the 23 officer responds there to talk to them.</p> <p>24 Q. And what if the officer is unavailable?</p> <p>25 A. Define unavailable.</p>	<p>1 Q. Is there a maximum -- prior to the 2 point where you would pursue a warrant or summons, 3 maximum amount of time?</p> <p>4 A. For --</p> <p>5 Q. Is there a 24-hour rule?</p> <p>6 A. There is a 24-hour rule.</p> <p>7 Q. What is your understanding of the 8 24-hour rule?</p> <p>9 A. There's that you have -- you should get 10 there to talk to them as soon as you possibly can. 11 They understand that things happen. It's short. If 12 can't get down there during your shift, you go after 13 your shift. It's -- if you can't make it, then 14 that's on you, and they will be released after 24 15 hours. They can't be -- they shouldn't be picked up 16 again on that same wanted.</p> <p>17 Q. Are you aware of instances where a 18 person has been arrested on a wanted held for 24 19 hours and not questioned during that time period?</p> <p>20 A. No.</p> <p>21 Q. Are you aware of individuals being 22 arrested pursuant to a wanted and held for longer 23 than the moment necessary out of punishment for that 24 person?</p> <p>25 A. No.</p>
Page 86	Page 88
<p>1 Q. On vacation.</p> <p>2 A. If they're on vacation and they're not 3 going to be able to respond, then usually another 4 officer will go talk to them and take over the case.</p> <p>5 Q. What if they're not coming on duty for 6 another eight hours?</p> <p>7 A. I can't speak for other officers, but I 8 know what I would do.</p> <p>9 Q. What would you do?</p> <p>10 A. If I wasn't coming on for another eight 11 hours, I would probably get in my uniform and go 12 respond before my shift.</p> <p>13 Q. Have you ever done that?</p> <p>14 A. Yes.</p> <p>15 Q. If a person is in custody pursuant to 16 being arrested from a wanted, what circumstances 17 would exist where the case officer would not speak 18 to that person?</p> <p>19 A. I don't know what -- in what instances 20 that they wouldn't come and talk to someone that 21 they had an active case against.</p> <p>22 Q. Are there any limitations or 23 requirements related to the -- the wanted who was 24 arrested in terms of how long they can be kept?</p> <p>25 A. Not a moment longer than necessary.</p>	<p>1 Q. Once the officer -- case officer 2 questions the individual arrested pursuant to a 3 wanted, what should happen at that point?</p> <p>4 A. They're immediately processed for 5 release if they don't have other warrants or other 6 officers that need to speak with them.</p> <p>7 Q. So those are the situations where you 8 arrested the person pursuant to a wanted. You also 9 mentioned instances that you've experienced where 10 you recognize the officer on the report and you 11 contact that officer to let them know you have their 12 suspect in custody, correct?</p> <p>13 A. Usually -- with that -- that is only if 14 they work in my precinct and they are on the next 15 shift, the shift that's on. So when I was on days, 16 if afternoons was on, since I would be off at 4:00, 17 if afternoons was on and it was in that time span, 18 they would -- I would give them a call and say, hey, 19 here's your wanted.</p> <p>20 If it's midnights, I would say -- I 21 would arrest them because, unfortunately, not 22 everyone can make it in as soon as you call them. 23 People have lives, kids. It's not that simple to 24 drop everything and go.</p> <p>25 Usually on midnights, we're told as</p>

22 (Pages 85 to 88)

Page 89	Page 91
<p>1 soon as roll call is over at 8:00, go take care of 2 that. So I mean, if they're on -- if they're on and 3 working, I'll call them and be like, hey, come take 4 care of this. Come take care of your wanted.</p> <p>5 If they're not on -- and me calling 6 them right then and there and having them respond to 7 the scene is only if they're in my precinct. Other 8 than that, I can't -- I can't sit around in Afton 9 and wait for an officer from North County to come 10 down. It's a lot of time consuming.</p> <p>Q. You're speaking in a bit of hypotheticals and I appreciate that, but you said it has happened where you have encountered an individual who you determined is wanted, and you recognize the officer's name, and you contact that officer to come see the suspect; is that correct?</p> <p>A. Yes.</p> <p>Q. And during that time period between the point where you contact the officer and he arrives, you have detained that individual, correct?</p> <p>A. Actually, no, because the few instances, the person didn't know that I knew who they were.</p> <p>Q. What do you mean?</p> <p>A. One instance I was -- I responded</p>	<p>1 are constantly causing issues, we all know those 2 cases. We're made aware of what's happening in our 3 precinct, the larger stuff, not the small gas 4 drive-off or anything like that.</p> <p>Q. And the purpose of that would be so that the wanteds in those larger cases could be arrested while walking the street because the officers know who they are as opposed to the more random encounters, correct?</p> <p>A. So that we can -- can you repeat that one more time?</p> <p>Q. You said that the officers talk, especially with regarding the larger cases and who was wanted in connections with them, and my question to you is, the purpose of that is so that the officers can know who is wanted so that if they recognize them in the street at a diner, anywhere, they can arrest them in those situations as opposed to having to wait for a chance encounter at a traffic stop; is that correct?</p> <p>A. Depending on who the -- in the bigger cases, it's more people that are known to be violent, people that are known to carry weapons.</p> <p>A. It's -- it's more of an officer safety thing if -- if I know that John Smith is out wanted for assault,</p>
Page 90	Page 92
<p>1 earlier in the day for a 1050 leaving. They knew it 2 was the neighbor, and she said she would be back 3 with her grandson, told the victim, and then it just 4 so happened that I knew from -- I mean, as officers 5 we talk about our cases. You know, we help each 6 other. And it just so happened that I remembered 7 the name of another case that he was working, and I 8 knew exactly who the guy was.</p> <p>9 While I was investigating and leaving 10 the scene, he didn't know that I knew he was wanted. 11 So I didn't even contact him about it and just knew 12 where he was. He was hanging out in someone's 13 basement, and we were allowed to go onto the 14 gentleman's property to get him, and the officer 15 took custody, so he was actually never detained by 16 me.</p> <p>Q. How about in the other instances where this has happened? Have you detained the individual while waiting for the officer?</p> <p>A. Yes.</p> <p>Q. So you just mentioned that you talk to officers about your cases, so you let each other know who is wanted on your cases?</p> <p>A. Not like the little cases, but the ones that are affecting, like, our area, like people that</p>	<p>1 and he's known to fight, he's known to resist, I 2 don't want to send one of my friends into an 3 instance where they could get hurt or something bad 4 could happen to them. So it's more to let them know 5 officer safety. Hey, this guy, every time I've 6 arrested him, he's had an uncapped syringe in his 7 pocket. I don't want to get stuck by a dirty 8 needle. I don't want my friends stuck by a dirty 9 needle, so we talk about things that most people 10 don't want to hear, but, unfortunately, it's an 11 everyday thing for our job.</p> <p>Q. I understand. Based on your experience with the 24-hour hold, would it be improper for an officer to elect to leave someone on a 24-hour hold without attempting to question them or apply for a warrant?</p> <p>A. Yes.</p> <p>Q. Just circling back, you mentioned earlier that your practice is, upon encountering somebody who you determined is wanted, aside from your cases, wanted by another officer, you check if it's -- the wanted is active or inactive, correct?</p> <p>A. Yes.</p> <p>Q. What would cause a wanted to be inactive?</p>

23 (Pages 89 to 92)

CHRISTOPHER PARTIN 2/8/2017

1 A. I don't know. 2 Q. The -- presumably the officer in 3 response to that wanted had reason to cancel it? 4 A. Possibly. 5 Q. At his own discretion, his or her own 6 discretion? 7 A. If that's where the case led, then, 8 yes. 9 Q. When you -- you started at the academy 10 in March 2015, correct? 11 A. Yes. 12 Q. Around that time were you made aware of 13 a -- a report issued by the Department of Justice in 14 connection with Ferguson County? 15 A. We had heard of it, but we had not read 16 it. 17 Q. What had you heard about it? 18 A. That it was going to change the way 19 police departments operate, and there was going to 20 be big changes coming, basically. 21 Q. Who told you that? 22 A. Instructors. 23 Q. Do you remember any names? 24 A. No. 25 Q. Do you remember what courses you were	Page 93	1 A. No. Just that it was going to affect 2 law enforcement as a whole and not just Ferguson 3 Police Department, but even police departments 4 thousands of miles away will change everyone's way 5 of doing things. 6 Q. And earlier we spoke about the changes 7 to the wanteds policy in July 2015 and then 8 subsequent changes in September 2016; is that 9 correct? 10 A. Yes. 11 Q. Did you -- and July 2015 would have 12 been four months after this March 2015 DOJ report; 13 is that correct? 14 A. Yes. 15 Q. Did anyone tell you that the changes 16 made to those policies were in connection with or 17 impacted at all by that report? 18 A. No. 19 Q. Did you have an understanding that -- 20 or did you have a belief that the changes that came 21 to be in that July 2015 policy were part of the big 22 changes that you were told about by these 23 instructors? 24 MR. HUGHES: Object to the relevance. 25 Go ahead.	Page 95
1 in when you heard that? 2 A. No, I do not. 3 Q. Do you -- what did they tell you about 4 these big changes? 5 A. That it's not just changes that's going 6 to affect our department. It's going to be changed 7 that affect law enforcement -- the law enforcement 8 community across the US. 9 Q. Did any of these changes relate to 10 wanteds? 11 A. I can't remember. 12 Q. Do you remember the report having any 13 connection to wanteds, the use of wanteds by police 14 officers? 15 A. Which report? 16 Q. The DOJ report. 17 MR. HUGHES: The DOJ report about the 18 Ferguson Police Department? 19 MR. HOLLAND: Correct. That's what I'm 20 asking you about. 21 THE WITNESS: I never read the report. 22 BY MR. HOLLAND: 23 Q. These instructors who told you about 24 the big changes, did they tell you anything about 25 this report?	Page 94	1 THE WITNESS: Can you repeat that one 2 more time? 3 BY MR. HOLLAND: 4 Q. You said these instructors told you 5 that, you know, following this report, there were 6 going to be big changes in the way police practices 7 nationwide and in St. Louis County were conducted, 8 and then these changes to the policy happened in 9 July 2015. Did you believe that those changes were 10 related to what you were told about? 11 MR. HUGHES: My objection, it calls for 12 speculation and conjecture on his part, so I object 13 to the form on that basis. 14 MR. HOLLAND: I'm only asking for his 15 belief. 16 THE WITNESS: Can you read that back 17 one more time? 18 (Record read by the reporter.) 19 MR. HUGHES: Also object to the form. 20 It's vague and it assumes facts not in evidence. Go 21 ahead. 22 THE WITNESS: In my opinion, the 23 general orders changed so frequently that, I mean, 24 they even tell you keep up on your general orders 25 because they change constantly. They're -- there's	Page 96

24 (Pages 93 to 96)

CHRISTOPHER PARTIN 2/8/2017

Page 97	Page 99
<p>1 always ways to better improve and do things, and 2 when they hear them, they change them, so staying up 3 to date on them is crucial. 4 BY MR. HOLLAND: 5 Q. How did you go about staying up to date 6 on them? 7 A. Whenever they -- whenever they told me 8 that a new general order was in the past system, I 9 would go read the general order and then sign off on 10 it. 11 Q. How did you sign off on it? 12 A. Digital signature with a user name and 13 password. 14 Q. I think you said earlier that 15 Exhibit 1, which is the July 15th, came about in -- 16 while you were at the academy, and your training on 17 it consisted of reading it at home. 18 How about -- can you remind me about 19 Exhibit 2, which was issued September 2016, the 20 updates there? Was there any training in connection 21 with that while you were in the field? 22 MR. HUGHES: Objection. Repetitive. 23 Asked and answered. 24 THE WITNESS: I believe there was 25 actually training at in-service on the changes to</p>	<p>1 and all that, all those changes. How they pertain 2 to the department. 3 Q. So if we look at Exhibit 2, the second 4 page, section B, there's some language in bold 5 there. Section B(1)(a) at this -- as of 6 September 14th, 2016, and is this current? 7 A. Yes. 8 Q. It reads, once the case -- "Once the 9 case officer has determined probable cause exists 10 that a person has committed a crime, they must have 11 a review of the facts supporting the case by their 12 immediate supervisor or his or her designee and 13 receive approval before requesting wanted person 14 entries. Once approved, the case officer will 15 contact CARE or DCI word processing and request a 16 wanted entry on the person. The name and DSN of the 17 approving supervisor must be in the narrative of the 18 CARE report." Did I read that correctly? 19 A. Yes. 20 Q. Did you receive any training during 21 that in-service training session on this section of 22 the teletype policy? 23 A. I'm not sure. 24 Q. You could have but you just don't 25 recall?</p>
<p>1 the teletypes and wanteds. 2 BY MR. HOLLAND: 3 Q. Sorry. When did that happen? 4 A. I can't remember a specific date. But 5 we do in-service once or twice a year. Twice a 6 year, I think. 7 Q. Is that about the same time each year? 8 A. It varies. 9 Q. So this -- this update came out 10 September 2016. Do you remember if that in-service 11 training was prior to this or after that? 12 A. I don't remember. 13 Q. Do you remember if there were any 14 materials other than the policy that you were 15 provided to train you on these updates? 16 A. I don't remember. 17 Q. What can you tell me about that 18 in-service training? 19 A. They went over changes to the laws, 20 teletypes. It was -- I think there was six classes, 21 so not exactly easy to remember. 22 Q. What changes to the law did they tell 23 you about? 24 A. The changes of domestic -- with 25 domestic violence and how the addition of E felonies</p>	<p>1 A. Correct. 2 Q. How did your -- strike that. 3 How did your handling of a wanted 4 change once this policy went into effect? 5 A. Once this policy went into effect, it 6 was -- you know, if I had a suspect, I ran 7 everything by my supervisor. 8 Q. Prior to issuing the wanted? 9 A. Uh-huh. Yes. 10 Q. Did anybody tell you why that change 11 was made? 12 A. They did say that it was according to 13 something that was published about the Ferguson 14 Police Department. 15 Q. Who said that to you? 16 A. It was just everyone talking. 17 Q. By everyone talking -- 18 A. Police officers talking. 19 Q. Which officers do you talk to most 20 frequently? 21 A. It's a small precinct and we're not 22 co-workers. We're kind of like a family, so I talk 23 to pretty much everyone every time I see them. 24 Q. Within the Affton -- Affton police 25 precinct?</p>

25 (Pages 97 to 100)

CHRISTOPHER PARTIN 2/8/2017

Page 101	Page 103
<p>1 A. Yes.</p> <p>2 Q. Did any -- were there other officers</p> <p>3 who told you that or did a supervisor tell your</p> <p>4 group of officers that the reason that this was</p> <p>5 being changed was related to a publication on the</p> <p>6 Ferguson police report?</p> <p>7 A. It was just brought up. It was now we</p> <p>8 have to add the supervisor's name and DSN and some</p> <p>9 people said, well, now we've got to talk to them</p> <p>10 about every case. Well, doesn't extend your report,</p> <p>11 and it's simple. It's to make sure that everyone is</p> <p>12 in the right.</p> <p>13 Q. So prior to September 14th, 2016, I</p> <p>14 think you said earlier you still got supervisor</p> <p>15 approval, but maybe it happened after the wanted had</p> <p>16 been entered; is that accurate?</p> <p>17 A. Say that again.</p> <p>18 Q. Prior to this policy being in place,</p> <p>19 did you receive supervisory review and approval of</p> <p>20 the wanteds you entered?</p> <p>21 A. For the most part, yeah, because I was</p> <p>22 new, still learning, and the last thing I wanted to</p> <p>23 do was something that I shouldn't and, you know, get</p> <p>24 written up for it.</p> <p>25 Q. But it was permitted to happen after</p>	<p>1 Q. I guess my question is, did that ever</p> <p>2 happen? Did you ever say you wanted to enter a</p> <p>3 wanted and a supervisor said, you don't have enough?</p> <p>4 A. No.</p> <p>5 Q. Did you -- was there ever a case where</p> <p>6 you entered a wanted and then the -- your supervisor</p> <p>7 thereafter, whether a day, a week later, reviewed it</p> <p>8 and told you that they disagreed with the level of</p> <p>9 probable cause?</p> <p>10 A. No.</p> <p>11 Q. Prior to 2000 -- prior to</p> <p>12 September 2016, what was your understanding</p> <p>13 of -- strike that.</p> <p>14 I'll come back to that.</p> <p>15 After September 2016, when this policy</p> <p>16 went into effect and you've been meeting with your</p> <p>17 supervisor before entering the wanted, have you ever</p> <p>18 been refused by the supervisor in an instance where</p> <p>19 you wanted to enter a wanted?</p> <p>20 MR. HUGHES: Objection. Asked and</p> <p>21 answered. Oh, after September 17th. I think it's</p> <p>22 been asked and answered. But anyway, go ahead.</p> <p>23 THE WITNESS: Can you repeat that one</p> <p>24 more time?</p> <p>25 BY MR. HOLLAND:</p>
<p>1 the wanted was entered under the policy, correct,</p> <p>2 the approval?</p> <p>3 A. Can you rephrase that?</p> <p>4 Q. Strike that.</p> <p>5 I'll move on. So you -- have you ever</p> <p>6 been refused -- strike that.</p> <p>7 Has there ever been an instance where</p> <p>8 you wanted to enter a wanted, but you -- your</p> <p>9 supervisor refused or thought it was inappropriate?</p> <p>10 A. Since this policy went into effect?</p> <p>11 Q. Let's start with before the policy went</p> <p>12 into effect. Was there ever an instance where</p> <p>13 you -- before entering the wanted, you sought your</p> <p>14 supervisor's guidance saying you wanted to enter a</p> <p>15 wanted and they said it would not be appropriate to</p> <p>16 enter the wanted?</p> <p>17 A. I remember speaking with them and</p> <p>18 telling them, I don't think I have enough for a</p> <p>19 wanted, but I want to run this past you. Most</p> <p>20 supervisors have, you know, ten to 15 years on, so</p> <p>21 quite a bit more experience than myself. So if I'm</p> <p>22 not -- if I'm not connecting the dots on my case,</p> <p>23 maybe someone else who knows my case can help me out</p> <p>24 and determine if I have enough or don't have enough</p> <p>25 and if I need to continue my investigation.</p>	<p>1 Q. After September 2016, when this policy</p> <p>2 came into effect and you've had to meet with your</p> <p>3 supervisor before issuing the wanted, has there ever</p> <p>4 been an instance where you wanted to enter a wanted</p> <p>5 but your supervisor said no?</p> <p>6 A. No.</p> <p>7 MR. HOLLAND: Okay. Mike, I think the</p> <p>8 next stuff I want to get into is the case-specific</p> <p>9 stuff, so I think this is a good point to break for</p> <p>10 half an hour for lunch.</p> <p>11 MR. HUGHES: Okay. Finally</p> <p>12 case-specific, huh?</p> <p>13 MR. HOLLAND: Finally, yeah.</p> <p>14 THE VIDEOGRAPHER: The time is 12:22.</p> <p>15 We are off the record.</p> <p>16 (Discussion off the record.)</p> <p>17 THE VIDEOGRAPHER: The time is 12:22.</p> <p>18 We are back on the record.</p> <p>19 BY MR. HOLLAND:</p> <p>20 Q. Officer Partin, I have -- was just</p> <p>21 asking you about whether there was ever any</p> <p>22 instances where you wanted to enter a wanted and</p> <p>23 your supervisor told you no. Let's talk about the</p> <p>24 opposite where you brought your case to a supervisor</p> <p>25 and you were unsure whether you had probable cause</p>

26 (Pages 101 to 104)

CHRISTOPHER PARTIN 2/8/2017

Page 105	Page 107
<p>1 or didn't think you had probable cause. Was there 2 ever an instance where a supervisor in that scenario 3 said go ahead and enter the wanted?</p> <p>4 MR. HUGHES: Wait. Could you repeat 5 the question?</p> <p>6 MR. HOLLAND: Yes.</p> <p>7 MR. HUGHES: Or rephrase it because I 8 think I heard it --</p> <p>9 MR. HOLLAND: Let me just ask it 10 directly.</p> <p>11 MR. HUGHES: -- in a strange way.</p> <p>12 BY MR. HOLLAND:</p> <p>13 Q. Has there ever been a scenario where 14 you're discussing with your supervisor a suspect who 15 you don't think you have probable cause on to enter 16 a wanted, and they tell you to go ahead and enter 17 the wanted.</p> <p>18 A. No, they haven't. If I don't feel I 19 have enough probable cause and the supervisor, they 20 wouldn't just tell me to enter the wanted because 21 for whatever reason, unless they're seeing probable 22 cause that I'm not seeing, but they've never told me 23 to do that without explaining, like, connecting the 24 dots that I'm not seeing.</p> <p>25 Q. But has that ever happened where maybe</p>	<p>1 you didn't know that, okay. 2 MR. HOLLAND: I was unaware. 3 THE WITNESS: Officers that I spoke to 4 on a pretty regular basis would have been Vineyard, 5 Bement, Berardi, Hake, Graf, Costa, Behlmann, again 6 Rickard, Thompson, May, Curcuru, Kanteres, Norberg, 7 Wilschusen, Brannan, Fosdick, Boenever, Killian, 8 Arras, Blake.</p> <p>9 BY MR. HOLLAND:</p> <p>10 Q. And it would have been these officers 11 that you spoke to about the practice of trying to 12 talk to the suspect before going to the prosecutor's 13 office or the County Counselor?</p> <p>14 A. We didn't always talk about work. We 15 talked about personal stuff. We talked about -- 16 we're friends. We all talked about just about 17 everything.</p> <p>18 Q. Right. And I understand that. I'm 19 just focused on your earlier testimony about talking 20 to other officers or hearing from other officers 21 about the practice within the police department of 22 issuing wanteds to communicate with the suspect 23 prior to pursuing a warrant or issuing a summons.</p> <p>24 A. I can't remember those specific names.</p> <p>25 Q. But it would have been somebody among</p>
Page 106	Page 108
<p>1 they saw something you didn't see?</p> <p>2 A. No.</p> <p>3 Q. Okay. Okay.</p> <p>4 THE VIDEOGRAPHER: The time is 12:24.</p> <p>5 We are off the record.</p> <p>6 (Recess taken.)</p> <p>7 THE VIDEOGRAPHER: The time is 1:00 p.m</p> <p>8 We are back on the record.</p> <p>9 BY MR. HOLLAND:</p> <p>10 Q. Officer Partin, before lunch you had 11 mentioned that you talked to officers in your 12 precinct, and it's a relatively small precinct; is 13 that correct?</p> <p>14 A. Yes.</p> <p>15 Q. Earlier you mentioned that there are 16 two sergeants and a lieutenant who, at various 17 times, are your supervisors; is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. What are the names of the other 20 officers in your precinct?</p> <p>21 A. Just patrol officers?</p> <p>22 Q. Patrol officers, the officers who you 23 would have spoken to on a daily basis.</p> <p>24 MR. HUGHES: Should he include the --</p> <p>25 also who was recently killed in that -- oh, maybe</p>	<p>1 the names you just entered or just said?</p> <p>2 A. Could be.</p> <p>3 Q. And same group of people that you could 4 have or would have spoken to about the impact that 5 the DOJ report would have had on police practices?</p> <p>6 A. It's possible -- it's possible.</p> <p>7 Q. Okay. Are you familiar with the REJIS 8 system?</p> <p>9 A. Yes.</p> <p>10 Q. What is REJIS?</p> <p>11 A. Regional information system.</p> <p>12 Q. How do you use it?</p> <p>13 A. For checking to make sure that people 14 don't have warrants or do have warrants and --</p> <p>15 Q. Wanteds as well?</p> <p>16 A. Yeah, if they're -- if they -- we have 17 all these systems, and it doesn't seem like they all 18 talk to each other, so sometimes you'll see stuff in 19 this one -- or this system will show you nothing and 20 then this system will show you everything. And 21 sometimes this will have some of it and this doesn't 22 and ...</p> <p>23 Q. And by -- you're talking about multiple 24 systems here. Is one of them REJIS?</p> <p>25 A. Yes.</p>

27 (Pages 105 to 108)

Page 109	Page 111
<p>1 Q. What are the other ones?</p> <p>2 A. DOR.</p> <p>3 Q. What is DOR?</p> <p>4 A. Department of Revenue; CrimeMATRIX,</p> <p>5 which is a St. Louis County website that we use or</p> <p>6 application we use.</p> <p>7 Q. What do you use DOR for?</p> <p>8 A. Plates, driver's license, it populates</p> <p>9 warrants, wanteds.</p> <p>10 Q. What do you use CrimeMATRIX for?</p> <p>11 A. It will show you -- it will show you</p> <p>12 history and it will show wanteds also.</p> <p>13 Q. What does CrimeMATRIX show you in connection with wanteds?</p> <p>14 A. It's limited -- it's very limited</p> <p>15 information. It doesn't show -- it doesn't show you</p> <p>16 a whole lot, but it can show you more than -- it can</p> <p>17 show you something that isn't in, like, one of the</p> <p>18 other systems.</p> <p>19 Q. For example?</p> <p>20 A. If they're on probation or parole and</p> <p>21 past addresses that they've used, phone numbers.</p> <p>22 Q. Does it show that -- in the CrimeMATRIX database, is there an entry next to the person that says they are wanted?</p>	<p>1 Q. And that wanted information will be in their entry within CrimeMATRIX?</p> <p>2 A. Yes.</p> <p>3 Q. And who has access to CrimeMATRIX?</p> <p>4 A. St. Louis County employees.</p> <p>5 Q. Who maintains the data within CrimeMATRIX, if you know?</p> <p>6 A. I don't know.</p> <p>7 Q. Does the DOR database contain information relating to wanteds?</p> <p>8 A. It does.</p> <p>9 Q. Does it -- does it state whether that individual is wanted?</p> <p>10 A. It will show like the person's name and</p> <p>11 like the case and all that information, and what</p> <p>12 they're wanted for and if -- it will show like the</p> <p>13 teletype number and the officer with case</p> <p>14 responsibility.</p> <p>15 Q. Have you ever identified somebody within CrimeMATRIX as wanted and then arrested them because of that?</p> <p>16 A. Through CrimeMATRIX?</p> <p>17 Q. Right.</p> <p>18 A. No.</p> <p>19 Q. Do you -- can you access that while in</p>
Page 110	Page 112
<p>1 A. If you have the right information, it</p> <p>2 could be.</p> <p>3 Q. Explain that to me.</p> <p>4 A. If you put in -- if you put in a name</p> <p>5 and you're not sure on the date of birth, you could</p> <p>6 put in the name and then like a range of two years</p> <p>7 of what you think their birthday could be, and it</p> <p>8 will show you all the similar people, and then you</p> <p>9 have to look through.</p> <p>10 Q. Let me make sure I'm understanding this. Are you saying you have somebody who is wanted and you're searching CrimeMATRIX for them, or does the CrimeMATRIX database itself denote that that person is wanted?</p> <p>11 A. So if it's John Smith, white male, 1/12</p> <p>12 of '88, but then there's five of '87, six of '82,</p> <p>13 but they're all the same name, same race, and it</p> <p>14 shows -- if you just put the name, it will show all</p> <p>15 those, and then it will -- and it will say if</p> <p>16 they're wanted.</p> <p>17 Q. Okay.</p> <p>18 A. But it won't -- until you actually</p> <p>19 click on it and start reading, you won't know if --</p> <p>20 you won't know what they're wanted for until you</p> <p>21 look at what the wanted information is.</p>	<p>1 your patrol car?</p> <p>2 A. Yes.</p> <p>3 Q. Same as REJIS?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know the reason why both systems exist independently? Do they contain separate information?</p> <p>6 Let me ask it this way: Why would you use CrimeMATRIX instead of REJIS?</p> <p>7 A. Because sometimes -- CrimeMATRIX, if</p> <p>8 it's a person who frequents St. Louis County's jail,</p> <p>9 you have current mug shot photos. It's -- if you've</p> <p>10 been arrested in the last six months with, you</p> <p>11 know -- if I'm looking for a person with -- who's</p> <p>12 bald and has a goatee and now this guy has, you</p> <p>13 know, hair that's, you know, past their shoulder, it</p> <p>14 will help you determine is this a possibility of a</p> <p>15 suspect, not.</p> <p>16 Q. So REJIS contains kind of statistics about the person, height, weight; whereas, CrimeMATRIX contains a mug shot? More current?</p> <p>17 A. More current information.</p> <p>18 Q. Is there a reason you might use REJIS instead of CrimeMATRIX?</p> <p>19 A. I use -- I pretty much use every</p>

CHRISTOPHER PARTIN 2/8/2017

1 system, I mean, quite independently. I mean, 2 sometimes I -- if I'm working on a -- each program 3 does different things, so certain programs, if 4 you're looking for certain information, you're going 5 to want to use this program. If you're looking for 6 certain other information, you want to use this 7 program, so ... 8 Q. Do you know how long a wanted can 9 remain in REJIS's system? 10 A. Not exactly sure. 11 Q. Do you know how long a wanted can 12 remain in CrimeMATRIX? 13 A. Until it's removed. 14 Q. Possibly indefinitely? 15 A. If you're arrested and you cancel the 16 teletype, it will be removed. 17 Q. Is that the same for REJIS? 18 A. Yes. 19 Q. Have you ever -- I think earlier you 20 said that you encounter a person, you can enter 21 their name into either of these systems and 22 determine if they are wanted, correct? 23 A. Correct. Well, yes and no. A name 24 alone, unless it's a significant name, like, very 25 few people have this name, but a more common name, I	Page 113 1 A. That will only show -- it will only 2 show warrants. 3 Q. So if you typed your current ZIP code 4 or GPS into the -- into the REJIS or CrimeMATRIX or 5 other systems within your patrol car, it wouldn't 6 let you know who is wanted in the area? 7 A. Usually -- I mean, if you're -- if 8 you're looking for wanted, you could -- you can find 9 them. But the computer systems are -- I mean, the 10 systems are so wishy-washy at times that if you type 11 in information, you might -- I mean, I'd check to 12 see who had felony warrants one night and it said 13 there was one. Well, 63128 is a big area and only 14 one felony warrant popped up, so I mean, I don't 15 know how accurate some of the times that can be. 16 Q. So by 63128, is that a ZIP code? 17 A. Yes. 18 Q. So you can enter a ZIP code in and it 19 will tell you in that ZIP code who's wanted, who's 20 out for a warrant; is that correct? 21 A. If they're -- if the address that they 22 lived at used that ZIP code, it should, if they 23 entered that address in there. 24 Q. Have you ever done that and found that 25 someone in your vicinity is wanted or out on a
1 mean, you have to maybe know their exact birthdate 2 or roughly how old they are, or where the last place 3 is that they called home. 4 I mean, if you've never lived -- if I'm 5 looking for John Smith, and I know he lived in 6 Jefferson County was the place on his driver's 7 license, then probably the people that don't live in 8 Jefferson County can be excluded, but I mean, 9 still ... 10 Q. I understand that. I didn't want to 11 cut you off. That was -- that was -- I wasn't as -- 12 I didn't ask that as well as I could have. 13 Do you have the appropriate information 14 to enter into REJIS when you encounter a person on, 15 say, a traffic stop, you'll be able to determine if 16 they are wanted, correct? 17 A. Hypothetically, yes, but people don't 18 always identify themselves correctly. 19 Q. Understood. And if you are not on a 20 traffic stop but, say, just on your daily patrol, 21 are you able to identify people who are wanted in 22 your general vicinity at that time? You know, not 23 looking for any specific person, but, okay, who 24 within a five-mile radius is wanted? Are you able 25 to do that through REJIS or CrimeMATRIX?	Page 114 1 wanted? 2 A. Out on a wanted, no. 3 Q. Are you familiar with MULES? 4 A. Yes. 5 Q. What is MULES? 6 A. Another one of those systems where you 7 can get all that information. 8 Q. Is it -- do you know of any differences 9 between MULES and REJIS? 10 A. It's one of those that I -- yeah, 11 I've -- we have all these programs that we can use, 12 and there are some that are a lot more 13 user-friendly, and then there are some that are just 14 downright confusing, so sometimes I try to avoid 15 using them because you just get confused, and 16 there's much simpler ones you can use. 17 Q. Which ones are the more confusing ones? 18 A. REJIS, the -- typically, I -- 19 typically, I can run them through Mobile Ticketing, 20 which is uses DOR inlets, and you can -- that 21 usually holds as much information as MULES or REJIS, 22 and it's usually -- usually pretty accurate. 23 I mean, I haven't -- haven't come 24 across too many people that if I ran them in that 25 program, what I see is exactly what they're wanted

CHRISTOPHER PARTIN 2/8/2017

Page 117	Page 119
<p>1 for. There's usually not any hidden information.</p> <p>2 Q. Is there any information that is in</p> <p>3 REJIS that is not in MULES?</p> <p>4 A. I'm not sure.</p> <p>5 MR. HUGHES: I guess before lunch you</p> <p>6 said you would get some specifics on this case.</p> <p>7 MR. HOLLAND: Mike, I'm going to get</p> <p>8 there. I'm almost there.</p> <p>9 Q. Have you ever issued a temporary</p> <p>10 wanted?</p> <p>11 A. A temporary wanted?</p> <p>12 Q. Do you know what that is?</p> <p>13 A. (Shakes head.)</p> <p>14 Q. Okay. Do you know how long wanteds</p> <p>15 remain in MULES or NCIC?</p> <p>16 A. No.</p> <p>17 Q. All right. Let's -- let's turn to the</p> <p>18 circumstances relating to Mr. Furlow. Just before</p> <p>19 we do that, earlier you said that around the police</p> <p>20 precinct you -- you and the other officers talk</p> <p>21 about larger cases, especially if, you know, it's a</p> <p>22 suspect who causes trouble in the community; is that</p> <p>23 accurate?</p> <p>24 A. Yeah.</p> <p>25 Q. Was -- does Mr. Furlow fall within that</p>	<p>1 field trainer. You were in phrase three at that</p> <p>2 point?</p> <p>3 A. Correct.</p> <p>4 Q. What time did your shift start that</p> <p>5 day?</p> <p>6 A. 6:00 a.m.</p> <p>7 Q. So you get this call for an ongoing</p> <p>8 fight. Were you familiar with the location where it</p> <p>9 was taking place?</p> <p>10 A. Not really.</p> <p>11 Q. Have you responded to that street</p> <p>12 previously?</p> <p>13 A. I can't remember.</p> <p>14 MR. HOLLAND: Okay. Let's take a look</p> <p>15 at the -- what I believe is the police report in</p> <p>16 connection with that incident. Marking as Partin</p> <p>17 Exhibit 6, Bates numbers DEFRFP 10000004. And you</p> <p>18 can take a couple minutes to review that.</p> <p>19 (Exhibit 6 was marked for</p> <p>20 identification.)</p> <p>21 BY MR. HOLLAND:</p> <p>22 Q. Do you recognize this document?</p> <p>23 A. Yes.</p> <p>24 Q. Is -- why don't you tell me what it is?</p> <p>25 A. It's the police report I completed the</p>
<p>1 group?</p> <p>2 A. Prior to my interaction with him on</p> <p>3 November 11th, I'd never heard that name.</p> <p>4 Q. Got it.</p> <p>5 A. That was also when I was up in North</p> <p>6 County and --</p> <p>7 MR. HUGHES: You answered the question.</p> <p>8 MR. HOLLAND: You did.</p> <p>9 Q. So why don't you walk me through the</p> <p>10 morning of November 11th, 2015. What do you</p> <p>11 remember about that morning?</p> <p>12 A. We were on patrol, and then we got</p> <p>13 dispatched for a fight in progress. We responded --</p> <p>14 I think the call was dispatched at 8:58 and we</p> <p>15 arrived at 9:00 o'clock.</p> <p>16 Q. So you were in the area?</p> <p>17 A. We -- we worked Glasgow Village, which</p> <p>18 Glasgow is very small so doesn't take long to get</p> <p>19 from one side of there to the other.</p> <p>20 Q. And by "we," who were you with that</p> <p>21 morning?</p> <p>22 A. Officer Slusser.</p> <p>23 Q. What rank is Officer Slusser?</p> <p>24 A. He's a field trainer.</p> <p>25 Q. And as you said earlier, he was your</p>	<p>1 day of the incident.</p> <p>2 Q. And did you draft this document or</p> <p>3 create this document?</p> <p>4 A. I -- some of it is computer-automated</p> <p>5 from dispatch but some of it we have to add in.</p> <p>6 Q. What parts did you add in?</p> <p>7 A. Some of the -- the first -- above the</p> <p>8 first line below "Investigative information," some</p> <p>9 of the radio and my DSN, the -- some of the</p> <p>10 information about times and then when it occurred,</p> <p>11 the officers that responded.</p> <p>12 Q. So just stopping you, the times that it</p> <p>13 occurred, I think as you just said a little bit</p> <p>14 earlier, it looks like the date and time received</p> <p>15 was at 8:57 that morning. What does that indicate</p> <p>16 to you?</p> <p>17 A. That's the time that it was called in</p> <p>18 to the police department.</p> <p>19 Q. And then date/time dispatch, 8:58 a.m.</p> <p>20 that day?</p> <p>21 A. That's the time that the call was sent</p> <p>22 to us.</p> <p>23 Q. And then you arrived on the scene at</p> <p>24 9:00 a.m.?</p> <p>25 A. Yes.</p>

30 (Pages 117 to 120)

CHRISTOPHER PARTIN 2/8/2017

Page 121	Page 123
<p>1 Q. And the scene is listed under respond 2 location 116 Glen Garry Road?</p> <p>3 A. Yes.</p> <p>4 Q. Have you responded to any incidents 5 previously on that street?</p> <p>6 A. No, at least not at that address.</p> <p>7 Q. Any other addresses?</p> <p>8 A. Not to my knowledge, but we respond for 9 sick cases pretty much just about everywhere, so 10 there's a good chance that I may have responded to a 11 sick case on that street.</p> <p>12 Q. And you said you add in, did you say, 13 the responding officers to the report here as well?</p> <p>14 A. Yes.</p> <p>15 Q. Where would those be listed?</p> <p>16 A. Where it says, "Agency personnel," and 17 then you see 3DSN and name lines.</p> <p>18 Q. So you previously said that Slusser was 19 there with you?</p> <p>20 A. Yes.</p> <p>21 Q. What role did Officers Robertson and 22 Spraggins play?</p> <p>23 A. Robinson was another field trainer and 24 Spraggins was also on field training at that time. 25 He was one of the guys I went to the academy with.</p>	<p>1 A. There's quite a few names, and I want 2 to make sure I have them correct.</p> <p>3 Q. Okay.</p> <p>4 A. There's Janet Virgin, Dwayne Furlow, 5 Latoya Furlow, [REDACTED], [REDACTED], 6 [REDACTED].</p> <p>7 Q. Were all of those individuals on the 8 scene when you arrived?</p> <p>9 A. No.</p> <p>10 Q. Who was not?</p> <p>11 A. Dwayne Furlow and Latoya Furlow were 12 not on scene.</p> <p>13 Q. Did you speak to the other individuals?</p> <p>14 A. Yes.</p> <p>15 Q. What did they tell you? What did Janet 16 Virgin tell you?</p> <p>17 A. Janet Virgin told me that there's been 18 ongoing issues with the neighbors, Dwayne Furlow and 19 Latoya Furlow, and that Dwayne Furlow's son came out 20 and started verbally harassing her kids and then 21 started fighting with them.</p> <p>22 Q. What did -- did you speak to [REDACTED] 23 [REDACTED]?</p> <p>24 A. I did.</p> <p>25 Q. What did he tell you?</p>
Page 122	Page 124
<p>1 Q. And what was their role that day?</p> <p>2 A. Spraggins was there assisting me in the 3 investigation, and then Robertson was there in the 4 same capacity that Slusser was, for us to tell him 5 what we got --</p> <p>6 Q. So you had each been in your patrol 7 cars, you and Slusser, Robertson, and Spraggins, 8 when the dispatch went out and both patrol cars 9 responded to the scene?</p> <p>10 A. Yes.</p> <p>11 Q. What led -- what led to the decision 12 where you became the reporting officer among that 13 group?</p> <p>14 A. It was our beat, so we work beats. So 15 since it happened in our area, it's automatically 16 mine.</p> <p>17 Q. So you respond to the scene that day.</p> <p>18 You arrive at 9:00 a.m. What happened next?</p> <p>19 A. Next we started talking to everyone 20 that was involved, the -- [REDACTED].</p> <p>21 Q. Why don't I stop you there and ask you 22 who was involved.</p> <p>23 A. It was --</p> <p>24 Q. Do you remember by your recollection or 25 do you have to look at the report?</p>	<p>1 A. He didn't really disclose much about 2 what had gone on. The more I tried talking to him, 3 the less he would talk to me. And then I went back 4 to talk to Janet about what actually -- like what's 5 the ongoing issue, and she couldn't elaborate what 6 the ongoing issue was. It's just that there's 7 ongoing issues.</p> <p>8 She wouldn't say if it was the kids 9 bickering and then the parents just started 10 bickering, or if it's just someone is being a bad 11 neighbor. She wouldn't elaborate on what the 12 ongoing issue was.</p> <p>13 Q. So all she told you was there's an 14 ongoing issue?</p> <p>15 A. Pretty much.</p> <p>16 Q. Did you speak to [REDACTED] there?</p> <p>17 A. Yes.</p> <p>18 Q. What did she tell you?</p> <p>19 A. She basically said that they started 20 messing with her brother and that she stepped in to 21 defend him.</p> <p>22 Q. And her brother is [REDACTED]?</p> <p>23 A. No, her -- her brother is [REDACTED] 24 [REDACTED].</p> <p>25 Q. Did you speak to [REDACTED]?</p>

31 (Pages 121 to 124)

CHRISTOPHER PARTIN 2/8/2017

Page 125	Page 127
<p>1 A. I did.</p> <p>2 Q. What did he tell you?</p> <p>3 A. He said that [REDACTED] came out and 4 started talking at him and then started fighting 5 with him.</p> <p>6 Q. What happened next?</p> <p>7 A. I was talking to Janet, and then she 8 told me that when the kids started fighting, that 9 she started recording on her phone because she 10 wanted to have evidence of the type of stuff that 11 was going on, and then she said while they were 12 fighting, Mr. Furlow came at her and took her phone 13 in an aggressive manner and then fled the scene.</p> <p>14 Q. Did she tell you anything else?</p> <p>15 A. She said that she was hit in the head 16 and he broke her glasses.</p> <p>17 Q. What did you do next?</p> <p>18 A. Next I walked back to my car, and then 19 [REDACTED] came up to me and handed me his dad's 20 cell or his cell phone and said, "My dad wants to 21 talk to you."</p> <p>22 He identified himself as Dwayne Furlow, 23 and then I started talking to him about what had 24 happened. At first he said he was inside sleeping 25 and heard the altercation, and then he reversed</p>	<p>1 don't think it was complete, I won't stop you.</p> <p>2 BY MR. HOLLAND:</p> <p>3 Q. So now you've spoken to everybody on the scene. I just -- looking at the report, is there a reason why your communications with [REDACTED], [REDACTED], and [REDACTED] are not described in the narrative?</p> <p>8 A. Well, none of them had marks on them, 9 so it didn't sound like an actual fight. It sounded 10 more like siblings wrestling and it -- it just -- I 11 mean, with what we had in regards to it, it 12 didn't -- we really didn't have much in regards to 13 it. I've got what one parent is saying and then the 14 other one is not there and not telling me what's 15 going on. Just telling me to do my F'ing job.</p> <p>16 Q. So is it your understanding at that point based on what Janet had said and your viewing the scene, it's kind of a neighborly dispute?</p> <p>19 A. The kids, neighborly dispute. The -- 20 the assault and the larceny, not exactly neighborly.</p> <p>21 Q. The allegations of it?</p> <p>22 A. Yes.</p> <p>23 Q. What -- so at this point, after [REDACTED] comes over to you, you speak to Dwayne. You have heard Janet's allegations and Dwayne's side of the</p>
<p>1 himself and said he was outside and saw it, and then 2 he was gone. So we were there and he wanted to 3 press charges for the person that had assaulted his 4 kid, but he wouldn't -- I mean, he wasn't exactly 5 doing anything to help me out in that investigation.</p> <p>6 I mean, if -- if I just saw my child be 7 assaulted and I had such an issue with it, I think I 8 would have remained on scene to further that 9 investigation. If I want that person brought to 10 justice for assaulting my kid, this is what I would 11 do. I would be there to talk to the police about 12 it.</p> <p>13 Q. But different people have different perspectives, fears of law enforcement; do you agree with that?</p> <p>16 A. I completely agree with that. But an 17 ultimate -- I mean --</p> <p>18 MR. HUGHES: You can wait for the next 19 question.</p> <p>20 MR. HOLLAND: Okay.</p> <p>21 MR. HUGHES: Unless you want him to 22 finish it, but I thought he answered the question.</p> <p>23 MR. HOLLAND: Just want him to -- as 24 complete as he feels; it's not up to me.</p> <p>25 MR. HUGHES: If you want to -- if you</p>	<p>1 story. What do you do next?</p> <p>2 A. We then canvass the area to see who may 3 have witnessed it that wasn't from either family, 4 and we locate a neighbor who had seen the incident.</p> <p>5 Q. And that is [REDACTED]; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. Where was he located?</p> <p>9 A. He was standing outside of his house 10 at -- I think he lived at --</p> <p>11 Q. [REDACTED], I think, is right.</p> <p>12 A. Yeah.</p> <p>13 Q. Where is [REDACTED] in relation to 116 Glen Garry Road?</p> <p>15 A. So if you imagine this wall as the 16 street (indicating) in the -- and the center house 17 is Janet Virgin's, to the right was Dwayne Furlow's, 18 to the left was [REDACTED].</p> <p>19 Q. What did -- what did [REDACTED] tell you?</p> <p>20 A. He said -- he said he didn't see who 21 started the fight amongst the kids; however, he did 22 say he saw Mr. Furlow assault Ms. Virgin and take 23 her phone.</p> <p>24 Q. Did he -- if we look at your report, it says, ' [REDACTED] stated' -- [REDACTED] is --</p>

32 (Pages 125 to 128)

CHRISTOPHER PARTIN 2/8/2017

Page 129	Page 131
<p>1 "stated he observed the altercation between Virgin 2 and D. Furlow. He's not certain who started the 3 altercation. He explained he observed Furlow take a 4 phone from Virgin."</p> <p>5 Did I read that correctly?</p> <p>6 A. Yes.</p> <p>7 Q. Is that different from what you just 8 said?</p> <p>9 A. Can you repeat what I said?</p> <p>10 Q. I can read it. It says -- I asked you 11 what he told you, and you said -- you said, "He 12 didn't see who started the fight amongst the kids; 13 however, he did say he saw Mr. Furlow assault 14 Ms. Virgin and take her phone."</p> <p>15 A. And he did not see who started the 16 altercation, but he did see Mr. Furlow take the 17 phone from Virgin.</p> <p>18 Q. Saw her -- saw Mr. Furlow take a phone 19 from --</p> <p>20 A. Yes.</p> <p>21 Q. So that point, Mr. Furlow could have 22 been taking the phone -- his phone back from 23 Ms. Virgin for all you knew, right?</p> <p>24 MR. HUGHES: Objection to the form. 25 It's argumentative.</p>	<p>1 to [REDACTED] about who you were going to be speaking 2 to? 3 A. He identified him as his dad.</p> <p>4 Q. Did you look at the screen of the phone 5 to see what the number was?</p> <p>6 A. It was an older phone; it was a flip 7 phone with a cracked screen.</p> <p>8 Q. It didn't have any identifying 9 information on the phone in terms of who the caller 10 was?</p> <p>11 A. I couldn't -- I don't remember.</p> <p>12 Q. So as I was just reading to you the 13 report, it doesn't contain any reference to 14 Ms. Virgin's glasses being broken or -- or the 15 assault having been witnessed by [REDACTED]; is that 16 correct? And by [REDACTED], I mean [REDACTED] 17 that we've referred to him as both.</p> <p>18 A. Yes, it doesn't say.</p> <p>19 Q. In fact, if you turn to the page ending 20 in Bates number 5, which is two of seven of the 21 report, look in the middle of the page, "Injury 22 class," it says, "Probable, not apparent."</p> <p>23 Does that mean that the injury, if 24 there was one to you, was not apparent?</p> <p>25 A. Well, Ms. Virgin is an African</p>
<p>1 BY MR. HOLLAND:</p> <p>2 Q. Did you know if the phone that 3 Mr. Furlow took from Ms. Virgin -- or excuse me, 4 strike that.</p> <p>5 Do you know if Mr. -- the phone that 6 [REDACTED] told you he saw Mr. Furlow take from 7 Ms. Virgin was her phone or Mr. Furlow's phone?</p> <p>8 A. He was not able -- he did not elaborate 9 if it was Mr. Furlow's phone that Ms. Virgin was in 10 possession or if it was her phone.</p> <p>11 Q. You said you were canvassing the area. 12 Did you -- why don't you tell me what else you did 13 to canvass the area?</p> <p>14 A. We knocked on other doors for the 15 surrounding houses and no one answered.</p> <p>16 Q. What did you do next?</p> <p>17 A. Well, multiple times -- so [REDACTED] 18 [REDACTED], he didn't just hand me the phone once. He 19 handed me it multiple times, and when I asked 20 Mr. Furlow about the phone, he didn't answer and 21 then just "Do your F'ing job."</p> <p>22 Q. Who said that to you?</p> <p>23 A. Mr. Furlow. Presumably, Mr. Furlow.</p> <p>24 Q. When you -- when [REDACTED] handed you the 25 phone the first time, other times, what did you say</p>	<p>1 female -- African-American female, and she had 2 darker-colored skin and the mark on her head was a 3 little bit darker, but I mean, I didn't see blood or 4 anything like that, so ...</p> <p>5 Q. Okay. So after knocking on doors and 6 coming up unsuccessful and aside from [REDACTED] -- 7 and I'm referring to him as [REDACTED], but can you 8 tell me more about -- how old was he?</p> <p>9 A. 16, I believe.</p> <p>10 Q. Were his parents at home? Did you 11 speak to them at all?</p> <p>12 A. I did not. I don't think -- I don't 13 think they were home.</p> <p>14 Q. Did you learn anything about 15 [REDACTED] relationship with anyone involved in the 16 incident?</p> <p>17 A. The only thing that he said was that 18 they were neighbors.</p> <p>19 Q. So at this point, what did you do next? 20 And before we get there, I just want to bring you 21 back to the narrative because you said you spoke to 22 Mr. -- who you presume to be Mr. Furlow. Did he 23 tell you anything about whether he committed these 24 offenses or not?</p> <p>25 A. When I tried talking to him about it,</p>

33 (Pages 129 to 132)

CHRISTOPHER PARTIN 2/8/2017

Page 133	Page 135
<p>1 he -- he was -- he was talkative, and then when I 2 started talking about the phone, he just quit 3 talking. He -- and then the only thing I could get 4 out of him was "Do your F'ing job."</p> <p>Q. Did he tell you whether he took the phone or not?</p> <p>7 A. Every time I asked him, he said, "Do 8 your F'ing job."</p> <p>Q. If you look at page four of seven of the report -- is that right? Yeah, four of seven, which is the narrative. The second to last sentence above the straight line across there, does it say, "D. Furlow denied taking Virgin's property"?</p> <p>14 To read the full sentence, does it say, "When questioned about taking Virgin's cell phone, D. Furlow denied taking Virgin's property"?</p> <p>17 Did I read that correctly?</p> <p>18 A. Yeah.</p> <p>Q. Do you recall that happening?</p> <p>20 A. If I remember, his denying was, "Do 21 your F'ing job." And by not completely answering 22 the question.</p> <p>Q. When somebody says that to you, do you usually put that in a report as a denial?</p> <p>25 A. I've -- my report writing has grown</p>	<p>1 A. Later that day.</p> <p>Q. How did you make that happen?</p> <p>3 A. I had talked -- I had written the report. I showed it to Officer Slusser. He said I was -- putting him out as wanted, he didn't seem to have an issue with, because of -- on field training, you can't do anything without the field trainer's okay. No matter what phase you're in, the field trainer looks over everything, so if he -- if he would have had an issue with it, then it wouldn't have been in there.</p> <p>Q. So Officer Slusser reviewed this report and okayed or approved or okayed the wanted being sent out for Mr. Furlow?</p> <p>15 A. (Nods head.)</p> <p>Q. Is that noted anywhere in the report Officer Slusser's role here? And by role, I mean having spoken to you and said it was appropriate to issue a wanted.</p> <p>20 A. No, because that wasn't part of department policy then.</p> <p>Q. It would be now, though, right?</p> <p>23 A. Yes.</p> <p>Q. If you turn back to the first page, just going to the bottom of the data it says,</p>
<p>1 since writing this report.</p> <p>Q. Okay. So now you are finished canvassing and you canvassed the street. Did you try to find Mr. Furlow?</p> <p>5 A. We did.</p> <p>Q. Is this before or after you entered the wanted?</p> <p>8 A. The wanted wasn't entered until later in that day. We drove past the house a couple times.</p> <p>Q. So let's try to put a time on where we are now. You canvassed the street after responding at 9:00 a.m. What time do you think you were done with that?</p> <p>15 A. Probably by 10:00.</p> <p>Q. And then what did you do?</p> <p>17 A. I mean, we -- we cleared from the scene, and then we were still -- I mean, Glasgow is small, so we were patrolling.</p> <p>Q. Trying to find Mr. Furlow?</p> <p>21 A. Just because we get one call doesn't mean we focus all of our attention. There's still plenty of things that need to be done.</p> <p>Q. And at what point did you enter the wanted?</p>	<p>1 "Approval records." Can you tell me what those indicated?</p> <p>3 A. Supervisor approval would be the person that reviewed the report. Final approval would be someone in CARE that would approve the report after a supervisor has approved it.</p> <p>Q. So let's start with the supervisor review. It says it was dated November 15th, 2015, at 10:49, on a Sunday. So give or take four full days after the incident?</p> <p>11 A. Yeah.</p> <p>Q. What would -- what is -- I know you mentioned this individual when -- when I had you name your fellow precinct members. Gilyon, who is that?</p> <p>16 A. She's an afternoon supervisor.</p> <p>Q. First name is?</p> <p>18 A. Emily.</p> <p>Q. Emily Gilyon. Is she an officer or a lieutenant, sergeant?</p> <p>20 A. Sergeant Gilyon.</p> <p>Q. Sergeant Gilyon. What would she have done here to review this from a supervisor's perspective, or what did she do that you know?</p> <p>24 A. I don't know what supervisors do when</p>

34 (Pages 133 to 136)

CHRISTOPHER PARTIN 2/8/2017

Page 137	Page 139
<p>1 they review reports.</p> <p>2 Q. You're not involved in the supervisor's</p> <p>3 review --</p> <p>4 A. If --</p> <p>5 Q. -- for cases where you're the case</p> <p>6 officer?</p> <p>7 A. If they have an issue with it, they</p> <p>8 bring it up to us before they approve it.</p> <p>9 Q. Is it your understanding that she would</p> <p>10 have reviewed the report, and if she had a problem</p> <p>11 with it, you would have heard about it?</p> <p>12 A. Yes.</p> <p>13 Q. So is it your understanding that on</p> <p>14 November 15th, she thought that was appropriate to</p> <p>15 approve this wanted? And I'm not asking you to</p> <p>16 speak for her. Your understanding, having not heard</p> <p>17 from her, is that --</p> <p>18 A. Having not heard from her, then I would</p> <p>19 assume she didn't have an issue with it.</p> <p>20 Q. I think you said earlier that you never</p> <p>21 had a supervisor contact you about a wanted that you</p> <p>22 had issued?</p> <p>23 A. Not to my knowledge.</p> <p>24 Q. Do you know why she reviewed this four</p> <p>25 days later, or is that -- is that --</p>	<p>1 testimony, you said that in some instances -- in an</p> <p>2 instance where you were familiar with the suspect or</p> <p>3 knew where they lived prior to entering the wanted,</p> <p>4 you might visit their home, knock on the door, see</p> <p>5 if the car is there. Is that accurate?</p> <p>6 A. Yes, we did that that day.</p> <p>7 Q. Prior to entering the wanted?</p> <p>8 A. Correct.</p> <p>9 Q. What happened upon those visits?</p> <p>10 A. No -- no one answered.</p> <p>11 Q. The wanted was entered that afternoon.</p> <p>12 Did you try to visit him again later that day?</p> <p>13 A. Prior to the wanted being entered</p> <p>14 or ...</p> <p>15 Q. Now I'm after the wanted.</p> <p>16 A. After the wanted, no. The wanted was</p> <p>17 entered probably pretty close to end of shift.</p> <p>18 Q. Well, let's look at the report to see</p> <p>19 if we can figure out exactly when it was entered.</p> <p>20 Does date/time entered under the management</p> <p>21 column -- row on the first page, does that give a</p> <p>22 pretty good estimate of when it went in the system,</p> <p>23 1:24 p.m.?</p> <p>24 A. That's probably when the face sheets</p> <p>25 were entered, but the narrative, I don't think</p>
Page 138	Page 140
<p>1 A. I don't know.</p> <p>2 Q. And then the CARE review, is that more</p> <p>3 of a, you know, just make sure that the I's are</p> <p>4 dotted, the T's are crossed, the information there</p> <p>5 is accurate?</p> <p>6 A. I would assume so.</p> <p>7 Q. Do you know what they use to confirm</p> <p>8 that? Do they compare --</p> <p>9 A. I do not.</p> <p>10 Q. All right. So the wanted has been</p> <p>11 entered for Mr. Furlow. Does that mean officers</p> <p>12 statewide are given license to arrest him upon</p> <p>13 encountering him?</p> <p>14 A. I don't remember what the exact wanted</p> <p>15 said in regards to extradition.</p> <p>16 Q. Certainly within St. Louis County?</p> <p>17 A. Yes.</p> <p>18 Q. What did you do to try to find</p> <p>19 Mr. Furlow?</p> <p>20 A. We worked -- we worked four tens, and</p> <p>21 we were always in the same area, so we attempted to</p> <p>22 stop by there a couple times.</p> <p>23 Q. By "there," you mean his residence?</p> <p>24 A. The residence at 116 Glen Garry.</p> <p>25 Q. And going back to some of your earlier</p>	<p>1 that's the same time that the narrative would have</p> <p>2 been entered.</p> <p>3 Q. And if we look in REJIS, the actual</p> <p>4 teletype, would we be able to know when it was</p> <p>5 entered?</p> <p>6 A. I don't know.</p> <p>7 Q. Okay. So whenever it was entered that</p> <p>8 day and the teletype went out, what did you do</p> <p>9 thereafter?</p> <p>10 A. After the teletype was entered?</p> <p>11 Q. Yes.</p> <p>12 A. We -- we did as much as we could. We</p> <p>13 drove past.</p> <p>14 Q. His home?</p> <p>15 A. Yes.</p> <p>16 Q. Knock on the door?</p> <p>17 A. Yes.</p> <p>18 Q. Did you encounter him?</p> <p>19 A. No.</p> <p>20 Q. When you had spoken to him on the phone</p> <p>21 earlier and spoken to his son, had you obtained his</p> <p>22 telephone number?</p> <p>23 A. I did not.</p> <p>24 Q. Would you normally try to take the</p> <p>25 telephone number in a scenario like that so you</p>

Page 141	Page 143
<p>1 could contact the person?</p> <p>2 A. Yeah, but whenever we try and call</p> <p>3 people, no one ever answers the private number.</p> <p>4 Q. Did there come a time when Mr. Furlow</p> <p>5 or his attorney tried to contact you?</p> <p>6 A. Yes. It was never -- Mr. -- after</p> <p>7 November 11th, Mr. Furlow never tried to contact me.</p> <p>8 It was all Blake Strode.</p> <p>9 Q. Can you tell me about your interactions</p> <p>10 with Mr. Strode?</p> <p>11 A. First -- the first time that I got a</p> <p>12 message to call Mr. Strode, all it said was he was a</p> <p>13 lawyer for Dwayne Furlow. And spoke to him and he</p> <p>14 was trying to find out what was going on, but then</p> <p>15 he made promises to turn his client in, and he -- I</p> <p>16 felt like he called me just about every day I was</p> <p>17 working.</p> <p>18 Q. When you had spoken to Mr. Furlow on</p> <p>19 the phone earlier that day, did you tell him -- did</p> <p>20 you do anything to try to get him to come back and</p> <p>21 talk to you?</p> <p>22 A. I had -- I advised him that I had</p> <p>23 enough information and probable cause to believe</p> <p>24 that he had done the larceny and assault, and he was</p> <p>25 going to be put out wanted.</p>	<p>1 Q. And on this day after the incident, you</p> <p>2 had a phone conversation with somebody who said that</p> <p>3 they're Mr. Furlow, told you their side of the</p> <p>4 story, and told you to do your job, and then you had</p> <p>5 conversations with somebody who said they were</p> <p>6 Mr. Furlow's attorney and that he does not wish to</p> <p>7 talk to you, correct?</p> <p>8 A. Correct.</p> <p>9 Q. So at that point, what is the purpose</p> <p>10 of the wanted that you entered other than to have</p> <p>11 Mr. Furlow arrested?</p> <p>12 A. It was like I said before, although he</p> <p>13 identified -- stated he was Dwayne Furlow on the</p> <p>14 phone, if he's not in front of me, I can't confirm</p> <p>15 who he is. So he could say that -- I mean, he could</p> <p>16 say it through his lawyer, but it's kind of one of</p> <p>17 those things where it's a preferred face-to-face</p> <p>18 interaction.</p> <p>19 Q. Are you familiar with the Fifth</p> <p>20 Amendment?</p> <p>21 A. Yes.</p> <p>22 Q. Does Mr. Furlow have a right not to</p> <p>23 talk to you?</p> <p>24 A. Yes.</p> <p>25 Q. Did he exercise that right?</p>
Page 142	Page 144
<p>1 Q. And what was your basis for probable</p> <p>2 cause at that point when you spoke to him?</p> <p>3 A. My -- my victim and my independent</p> <p>4 witness.</p> <p>5 Q. So the statements of Ms. Virgin and</p> <p>6 [REDACTED]?</p> <p>7 A. Yes.</p> <p>8 Q. So after November 11th, on</p> <p>9 November 11th, after the wanted is entered, did</p> <p>10 you -- what did you do in response to the</p> <p>11 interactions you had with Mr. Strode to try to talk</p> <p>12 to Mr. Furlow?</p> <p>13 A. Mr. Strode kept saying that he was</p> <p>14 unwilling to talk to me and would invoke Fifth</p> <p>15 Amendment right, and Mr. Strode kept saying that he</p> <p>16 was going to turn himself in. He's going to turn</p> <p>17 himself in. And then a month and a day later, he</p> <p>18 told me late in the afternoon that he was going to</p> <p>19 turn himself in that evening, but I had heard that</p> <p>20 so many times that I didn't believe it.</p> <p>21 Q. So a couple things. Earlier today you</p> <p>22 said that the purpose of a wanted is to allow the</p> <p>23 suspect the opportunity to tell their side of the</p> <p>24 story, right?</p> <p>25 A. Uh-huh, yes.</p>	<p>1 A. He did.</p> <p>2 Q. So what is the purpose of the wanted at</p> <p>3 that point?</p> <p>4 MR. HUGHES: Are you saying did he</p> <p>5 exercise his Fifth Amendment right not to talk to</p> <p>6 him when he's at the Justice Center, or are you</p> <p>7 saying on the telephone, his voice on the telephone?</p> <p>8 MR. HOLLAND: Through his attorney.</p> <p>9 MR. HUGHES: Okay. My objection is</p> <p>10 asked and answered. Repetitive. You can ask him to</p> <p>11 repeat it or rephrase it.</p> <p>12 THE WITNESS: Repeat.</p> <p>13 MR. HUGHES: I forgot what it was.</p> <p>14 BY MR. HOLLAND:</p> <p>15 Q. So earlier in the day you said that the</p> <p>16 purpose of issuing a wanted is to allow the other</p> <p>17 party -- or the suspect, excuse me, an opportunity</p> <p>18 to communicate their side of the story, correct?</p> <p>19 A. Yes.</p> <p>20 Q. In this instance, Mr. Furlow said that</p> <p>21 he would not talk to you and through his attorney</p> <p>22 exercised his Fifth Amendment right to not talk to</p> <p>23 you; is that right?</p> <p>24 A. Yes.</p> <p>25 Q. Why keep the wanted in place at that</p>

CHRISTOPHER PARTIN 2/8/2017

Page 145	Page 147
<p>1 point?</p> <p>2 A. Because we -- leaving it active was so</p> <p>3 that I could verify -- if and when he was picked up,</p> <p>4 I could get to him, allow him to say it to me. I'm</p> <p>5 not talking to you and issue him the summons. That</p> <p>6 way we could have receipt that he received it and</p> <p>7 that way he had a receipt that, hey, he knows that</p> <p>8 he has to go to court. That way when a bench</p> <p>9 warrant for a failure to appear shows up, it's not</p> <p>10 by anyone's fault except for --</p> <p>11 Q. But Mr. Strode, who is Mr. Furlow's</p> <p>12 counsel, offered to bring Mr. Furlow in for that</p> <p>13 purpose if you had the probable cause to get a</p> <p>14 warrant, and those kinds of things, or issue a</p> <p>15 summons. He offered to do that, correct?</p> <p>16 MR. HUGHES: Objection. Assumes facts</p> <p>17 not in evidence. And it's argumentative.</p> <p>18 BY MR. HOLLAND:</p> <p>19 Q. Did Mr. Strode -- actually, excuse me.</p> <p>20 I believe Officer Partin testified a</p> <p>21 few minutes ago that Mr. Strode repeatedly said that</p> <p>22 he would bring Mr. Furlow in and -- to bring himself</p> <p>23 in. Is that correct?</p> <p>24 A. He didn't --</p> <p>25 Q. You can look back at the transcript,</p>	<p>1 he'll be transported to intake until I can get</p> <p>2 there.</p> <p>3 Q. So by transported to intake means he</p> <p>4 would be booked, processed, those sorts of things?</p> <p>5 A. Yes.</p> <p>6 Q. Earlier -- and that would happen</p> <p>7 whether you were on duty or not, correct?</p> <p>8 A. No.</p> <p>9 Q. If you weren't on duty, he would be</p> <p>10 processed. If you were on duty, what would happen?</p> <p>11 A. If I was on duty and he came to the</p> <p>12 station and I was at the station, then I could --</p> <p>13 it's like I explained on the traffic stop for my</p> <p>14 road rage, I could have -- I could have -- hey, he's</p> <p>15 going to invoke his Fifth? All right. Here's your</p> <p>16 summons.</p> <p>17 Q. And what -- what station were you</p> <p>18 working at at this time?</p> <p>19 A. On which day?</p> <p>20 Q. November 11th, 2015, through</p> <p>21 December 12th, 2015.</p> <p>22 A. Up until December 1st, I was in North</p> <p>23 County, and then after I was back in Afton.</p> <p>24 Q. And if you were off duty, he would have</p> <p>25 had to have been processed in intake?</p>
<p>1 but I believe you testified to that.</p> <p>2 A. He did on multiple occasions --</p> <p>3 Q. Right.</p> <p>4 A. -- but on those occasions, when he did</p> <p>5 say he was going to bring him in, he did not bring</p> <p>6 him in.</p> <p>7 Q. Understood. But you just said that the</p> <p>8 purpose of keeping the warrant -- the wanted out</p> <p>9 there is to see Mr. Furlow in person to give him the</p> <p>10 notice for the summons and make sure that he</p> <p>11 received it. And my question is, Mr. Strode was</p> <p>12 offering to bring him in, correct?</p> <p>13 MR. HUGHES: Objection. Asked and</p> <p>14 answered. Go ahead.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MR. HOLLAND:</p> <p>17 Q. Did you tell Mr. Strode anything about</p> <p>18 what might need to happen once Mr. Furlow was</p> <p>19 brought in?</p> <p>20 A. I explained the way that things happen,</p> <p>21 whether it be -- if he did it on a day I was</p> <p>22 working, he could come to the station, and if he --</p> <p>23 he could be issued the summons there. He could be</p> <p>24 transported to intake if he has warrants, I mean,</p> <p>25 and then if he does it on a day he's not working,</p>	<p>1 A. Yes.</p> <p>2 Q. Or it was at a precinct where you</p> <p>3 weren't at, or let's say you were out in the field</p> <p>4 and he came in, you would have to be processed?</p> <p>5 A. If I was where?</p> <p>6 Q. If you weren't at the precinct at the</p> <p>7 time.</p> <p>8 A. At the first or the third?</p> <p>9 Q. Either one.</p> <p>10 A. Since I -- I wasn't at the -- if he</p> <p>11 would have turned himself into the third precinct, I</p> <p>12 could have came there and taken care of it</p> <p>13 there, but if he would have turned himself in into</p> <p>14 the first precinct when I was in the third, he would</p> <p>15 have had to go to intake.</p> <p>16 Q. Did Mr. Strode tell you anything about</p> <p>17 the individuals involved?</p> <p>18 A. He told me that there's ongoing issues</p> <p>19 between neighbors and that there's a restraining</p> <p>20 order, but he didn't show me that paperwork.</p> <p>21 Q. Did you ever go back and ask Ms. Virgin</p> <p>22 if that was the case?</p> <p>23 A. I did not.</p> <p>24 Q. Do you recall Mr. Strode requesting on</p> <p>25 multiple occasions to meet you at the Justice Center</p>

CHRISTOPHER PARTIN 2/8/2017

Page 149	Page 151
<p>1 instead of the precinct station so Mr. Furlow would 2 not be arrested, processed, and transferred over to 3 the Justice Center?</p> <p>4 A. No.</p> <p>5 Q. You're saying that did not happen?</p> <p>6 A. He did not ask me to meet him at the 7 Justice Center. He said that his client did not 8 want to be in the custody of St. Louis County police 9 officers because he's had issues with them in the 10 past.</p> <p>11 Q. And during this time, you left -- 12 despite this communication with Mr. Furlow's 13 attorney, you left the wanted outstanding subjecting 14 Mr. Furlow to custodial arrest at any point?</p> <p>15 MR. HUGHES: Object to form of the 16 question. It's obviously argumentative.</p> <p>17 BY MR. HOLLAND:</p> <p>18 Q. Did the wanted remain outstanding 19 during this time?</p> <p>20 A. Between November 11th and 21 December 12th?</p> <p>22 Q. Correct.</p> <p>23 A. Yes.</p> <p>24 Q. Do you recall insisting that Mr. Furlow 25 appear at the precinct station at any point, as</p>	<p>1 do you ever ask them for identification to confirm 2 one way or the other?</p> <p>3 A. Usually the ones that we're looking for 4 that are involved in the larger cases we know fairly 5 well.</p> <p>6 Q. Okay. Do you know who Captain Guy 7 Means is?</p> <p>8 A. The name is the captain of the first 9 precinct when I was up there.</p> <p>10 Q. Did you ever discuss Mr. Furlow with 11 Mr. Means?</p> <p>12 A. I did not.</p> <p>13 Q. Are you aware of a letter that 14 Mr. Furlow's counsel sent to Captain Means on 15 November 11th, 2015?</p> <p>16 A. Not until I was made aware of this 17 lawsuit.</p> <p>18 MR. HOLLAND: Let's take a look at that 19 letter. Entering as Exhibit 7, this is a 20 November 11th, 2015, email from Blake Strode which 21 attaches a letter from ArchCity Defenders with the 22 same date.</p> <p>18 (Discussion off the record.)</p> <p>23 (Exhibit 7 was marked for 24 identification.)</p>
Page 150	Page 152
<p>1 opposed to the Justice Center? You wanted him to 2 come to the precinct center first; is that accurate?</p> <p>3 A. There were so many communications with 4 him, I'm sure it's a possibility.</p> <p>5 Q. And then he would have had to have been 6 transferred to the Justice Center?</p> <p>7 A. If I was at the first precinct, he 8 would not have had to have been transferred.</p> <p>9 Q. When you encounter people on the 10 street, do you ask them for identification?</p> <p>11 A. Yes.</p> <p>12 Q. For what purposes?</p> <p>13 A. Depends on what instances you're 14 meaning.</p> <p>15 Q. Do you encounter people on the street 16 and ask them for ID to check them to see if they're 17 wanted?</p> <p>18 A. In what aspect? Just someone 19 walking -- someone at a gas station? At a store?</p> <p>20 Q. Someone you're familiar with.</p> <p>21 A. Familiar how?</p> <p>22 Q. In -- so you said you and your officers 23 discuss larger cases, and if any individuals are 24 wanted in connection with those larger cases, people 25 you suspect to be those individuals on the street,</p>	<p>1 MR. HOLLAND: Is that the right one?</p> <p>2 Here.</p> <p>3 MR. HUGHES: For the record, I object 4 to this exhibit. It's Exhibit 7. He already 5 testified he did not see this until the lawsuit was 6 filed, and it's nothing but self-serving hearsay 7 letter prepared by the ArchCity Defenders, Blake 8 Strode.</p> <p>9 MR. HOLLAND: Objection noted.</p> <p>10 Q. So I'm looking at this letter. Can 11 you -- so Captain Guy Means was a captain within the 12 first precinct; is that accurate?</p> <p>13 A. Yes.</p> <p>14 Q. Does this letter -- it was addressed to 15 Captain Means on November 11th, 2015?</p> <p>16 MR. HUGHES: You're asking him to what?</p> <p>17 To --</p> <p>18 MR. HOLLAND: Strike that.</p> <p>19 Q. Have you had a chance to look through 20 the letter? I understand that you haven't --</p> <p>21 MR. HUGHES: Have you ever seen this 22 letter yourself?</p> <p>23 THE WITNESS: I've never seen it until 24 I was notified of this lawsuit.</p> <p>25 MR. HUGHES: I mean -- I mean, it was</p>

CHRISTOPHER PARTIN 2/8/2017

Page 153	Page 155
<p>1 an allegation in the lawsuit that there was a letter 2 sent, but the question is, have you ever seen that 3 letter before now?</p> <p>4 THE WITNESS: When I was notified -- it 5 may have been in the original lawsuit, but I --</p> <p>6 BY MR. HOLLAND:</p> <p>7 Q. Would you dispute that this letter was 8 sent to Captain Guy Means of the first precinct on 9 November 11th, 2015?</p> <p>10 A. I have no idea if it was sent to 11 Captain Means.</p> <p>12 Q. And I understand you haven't -- you 13 haven't seen this letter previously, but I just 14 wanted to ask you about some of the things in the 15 letter and, you know, given that you were involved 16 in the incident underlying the letter -- strike 17 that.</p> <p>18 I guess my one question is, if you had 19 seen this letter on November 11th, 2015, or any time 20 thereafter until December 12th, what would your 21 reaction have been in terms of the need for the 22 wanted?</p> <p>23 MR. HUGHES: Objection not only to 24 relevance but to the form of the question. It calls 25 for speculation and conjecture and it's</p>	<p>1 immediately.</p> <p>2 Q. Did you learn anything new from 3 Mr. Strode or Mr. Furlow on that day that you didn't 4 know on November 11th or any day thereafter?</p> <p>5 A. No.</p> <p>6 MR. HUGHES: Object to the form of the 7 question. It's argumentative. I objected to the 8 form of the question.</p> <p>9 MR. HOLLAND: I asked a simple 10 question.</p> <p>11 MR. HUGHES: Well, it is argumentative. 12 MR. HOLLAND: I asked him a question. 13 MR. HUGHES: I made my objection to the 14 form.</p> <p>15 BY MR. HOLLAND:</p> <p>16 Q. Let's take a look at the summons that 17 you issued to Mr. Furlow on that day.</p> <p>18 (Exhibit 8 was marked for 19 identification.)</p> <p>20 BY MR. HOLLAND:</p> <p>21 Q. Entering as Exhibit 8, Bates numbers 22 DEFRRP1, a lot of zeros and then one. Do you 23 recognize this document?</p> <p>24 A. Yes.</p> <p>25 Q. Is this the summons that you issued to</p>
<p>1 argumentative. 2 BY MR. HOLLAND:</p> <p>3 Q. Officer Partin, if you had read this 4 letter on November 11th, 2015, would you have 5 canceled the wanted?</p> <p>6 A. I would have looked to my superior for 7 guidance.</p> <p>8 Q. Why don't you tell me what happened on 9 December 12th, 2015.</p> <p>10 A. We were contacted earlier in the day 11 that Mr. Strode was going to be bringing Mr. Furlow 12 to turn himself in. He did not give a time frame. 13 We responded to Clayton when we found out that he 14 was here, but we were coming from, basically, 15 Jefferson County. That was the area we were working 16 way down south that day. And we got there as quick 17 as we could, considering traffic and finding a spot 18 to park.</p> <p>19 We came in, we contacted Mr. Strode and 20 Mr. Furlow. Mr. Strode said that Mr. Furlow didn't 21 want to talk to us, and we didn't do a warning and 22 waiver because he wasn't willing to speak with us. 23 We gave him a summons and told him to go to North 24 Division night court to appear on those charges and 25 that we told him that the wanted would be removed</p>	<p>1 Mr. -- Mr. Furlow following your meeting at the 2 precinct on December 12th?</p> <p>3 A. Yes.</p> <p>4 Q. What was your purpose when you drafted 5 this document?</p> <p>6 A. To cover the events of that night. 7 Q. Would Mr. Furlow be going to court 8 based on the events of that night or based on the 9 events of November 11th?</p> <p>10 A. The events of November 11th. 11 Q. Are those events described in this 12 document?</p> <p>13 A. At the very end, if you see where it 14 says, "See report for further," that would have -- 15 you're only given so many lines, but "see report for 16 further" would be a good indication to read the 17 police report since you have to write -- you're only 18 given so much room. 19 Q. Who's reading this document?</p> <p>20 A. The County Counselor at night court. 21 Q. And it's your testimony that they would 22 understand what "see report for further" would mean?</p> <p>23 A. I would assume so. 24 Q. What is the purpose of the "by reason 25 of," in your experience? What's that section</p>

39 (Pages 153 to 156)

CHRISTOPHER PARTIN 2/8/2017

1 supposed to indicate? 2 A. The incident. 3 Q. And you just said there's only a 4 limited amount of space here, but you didn't include 5 anything about the incident; is that correct? 6 MR. HUGHES: Well, objection. 7 Argumentative. He did answer differently already, 8 but go ahead. You can answer. 9 BY MR. HOLLAND: 10 Q. In this section what you just said is 11 supposed to be about the incident. Is there 12 anything other than the "see report for further" 13 relating to the November 11th, 2015, incident? 14 A. No. 15 Q. Going up a little bit, the document 16 says, "Defendant committed the following offense in 17 the unincorporated portion of St. Louis, to wit," 18 then it says, "On or about 12/12/2015." Do you see 19 that? 20 A. Yes. 21 Q. What incident -- what offense did 22 Mr. Furlow commit on 12/12/2015? 23 A. None. 24 Q. What offense did Mr. Furlow commit at 25 or near 100 South Central?	Page 157 1 comment? 2 A. I'm saying I do not remember that 3 comment. 4 Q. And on the topics of ranks of certain 5 people, where does Captain Guy Means fall within the 6 chain of command? 7 A. We have probationary police officer, 8 police officer, and then you have like -- I would 9 assume that you would put field trainers above 10 normal police officers, and then you'd have 11 sergeants, lieutenants, captains. 12 Q. At the time of November -- I know you 13 said earlier you had some varying supervisors. Who 14 was your supervisor on November 11th, 2015? 15 A. I don't remember his name. 16 Q. Other than Officer Slusser, who was 17 your field trainer? 18 A. I don't remember the sergeant's name. 19 Q. Have you had any interactions with 20 Mr. Furlow since December 12th, 2015? 21 A. No. 22 MR. HOLLAND: I don't have any further 23 questions at this time. I will defer to my 24 colleagues. 25 MR. HUGHES: Well, I have some
1 A. None. 2 Q. Did you issue this summons because 3 Mr. Furlow would not speak with you? 4 A. No. 5 Q. When you met with Mr. Furlow and his 6 attorney at the Justice Center, do you recall 7 yourself or Sergeant Curcuru -- excuse my -- 8 MR. HUGHES: Excuse me. Are you 9 calling -- it says, "PO Curcuru." Are you saying 10 Sergeant Curcuru? 11 BY MR. HOLLAND: 12 Q. Is Curcuru a police officer or a 13 sergeant? 14 A. Police officer. 15 Q. My mistake. When you met Mr. Furlow 16 and his attorney at the Justice Center on 17 December 12th, 2015, do you recall yourself or 18 Police Officer Curcuru stating that you would never 19 rely on statements by a minor to issue a summons in 20 a case like Mr. Furlow's? 21 A. I do not remember that comment. 22 Q. Is it possible that you said something 23 like that? 24 A. I do not remember that comment. 25 Q. Are you saying you did not say that	Page 158 1 questions. 2 MR. HOLLAND: Do you want to take -- 3 can we take a short break? It's been about an hour 4 and ten minutes. Take a quick break. 5 THE VIDEOGRAPHER: The time is 2:18. 6 We are off the record. 7 (Recess taken.) 8 THE VIDEOGRAPHER: The time is 2:24. 9 We are back on the record. 10 MR. HOLLAND: I will pass the witness. 11 EXAMINATION 12 BY MR. HUGHES: 13 Q. Thank you. Officer Partin, I have a 14 few questions. Oh, by the way, do you have Gomez 15 Exhibit 4? 16 MR. HOLLAND: Do you have a Bates 17 number for that? 18 MR. HUGHES: Excuse me. I'm going to 19 hand the first amended complaint, which was -- I 20 don't have the original Gomez Exhibit 4, but I've 21 got a copy here for you. This is -- this was Gomez 22 Exhibit 4. 23 Q. And I don't believe in duplicating 24 exhibits, so we'll -- what was -- you see Gomez 25 Exhibit 4, which is the first amended complaint

40 (Pages 157 to 160)

CHRISTOPHER PARTIN 2/8/2017

Page 161	Page 163
<p>1 filed in this lawsuit. Do you see that, Officer 2 Partin?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And, you know, could we go 5 through this a little bit? And I guess I'm going to 6 mostly concentrate on the allegations concerning 7 you. Paragraph 32, that's on page 9 of Gomez 8 Exhibit 4; do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. So -- so you see in the first amended 11 complaint, paragraph 32, it is alleged that shortly 12 after Mr. Furlow's departure from home on the 13 morning of November 11th, 2015, Mr. Furlow's minor 14 son was attacked by his adult female neighbor; do 15 you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Did I read that allegation accurately?</p> <p>18 A. Yes.</p> <p>19 Q. And just so we understand, Mr. Furlow's 20 minor son, was that [REDACTED]?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And you talked to [REDACTED]; is 23 that correct?</p> <p>24 A. Yes.</p> <p>25 Q. Did [REDACTED] ever once tell you that he</p>	<p>1 Mr. Furlow had stolen her cell phone?</p> <p>2 A. Yes.</p> <p>3 Q. So just so we understand, you didn't 4 arrive on the scene making accusations against 5 Mr. Furlow; would that be correct?</p> <p>6 A. Correct.</p> <p>7 Q. Other people were -- or some other 8 person was making an allegation?</p> <p>9 A. Yes.</p> <p>10 Q. Well, let's put it this way: When you 11 arrived on the scene, did you have any idea what was 12 going on?</p> <p>13 A. No.</p> <p>14 Q. Were you trying to sort things out?</p> <p>15 A. Yes.</p> <p>16 Q. And how do you try to sort things out?</p> <p>17 A. Talking to people.</p> <p>18 Q. And did you try to talk to people?</p> <p>19 A. Yes.</p> <p>20 Q. And you talked to more than one person; 21 is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. And, you know, you talked to this Janet 24 Virgin; is that correct?</p> <p>25 A. Yes.</p>
Page 162	Page 164
<p>1 was attacked by his adult female neighbor?</p> <p>2 A. No.</p> <p>3 Q. Now, you indicated that you did try to 4 speak with people on the scene; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. And you spoke to at least one person on 7 the scene; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. Were you told by that person for 10 anyone -- by anyone that the son, [REDACTED], was 11 attacked by the adult female neighbor?</p> <p>12 A. No.</p> <p>13 Q. Okay. And when you spoke to Dwayne 14 Furlow on his son's cell phone, did he ever say to 15 you that this adult female attacked my son?</p> <p>16 A. He didn't explicitly say an adult 17 female attacked his son.</p> <p>18 Q. Okay. And now, paragraph 33, it says, 19 "When police arrived, the adult female neighbor 20 alleged as a basis for the conflict that Mr. Furlow 21 had stolen her cell phone earlier that morning." Is 22 that correct?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. So is it basically correct that 25 the adult female neighbor had alleged that</p>	<p>1 Q. And you talked to some kids; is that 2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. And you gave their names to -- by the 5 way, did any of those other kids you talked to say 6 that an adult female had attacked [REDACTED]?</p> <p>7 A. No.</p> <p>8 Q. Okay. And -- but anyway, you're there 9 sorting something out; is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. Was there a cab driver on the scene?</p> <p>12 A. Yes.</p> <p>13 Q. Did -- did -- did that cab driver, by 14 any chance, say that the adult female had attacked a 15 child?</p> <p>16 A. No.</p> <p>17 Q. Okay. And -- so anyway, what they 18 allege, you know, in paragraph 33, certainly has 19 some element of truth that the adult female did say 20 that Mr. Furlow had stolen her cell phone; is that 21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. Now, if someone tells you that they had 24 stolen their cell phone, are you supposed to just 25 say, well, that's just a neighborly dispute and get</p>

41 (Pages 161 to 164)

CHRISTOPHER PARTIN 2/8/2017

Page 165	Page 167
<p>1 up and leave?</p> <p>2 MR. HOLLAND: Objection. Form.</p> <p>3 BY MR. HUGHES:</p> <p>4 Q. Are you, Officer?</p> <p>5 A. No.</p> <p>6 Q. No. Are you -- what are you obligated</p> <p>7 to do?</p> <p>8 A. Investigate.</p> <p>9 Q. And did you?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So -- and again, this goes</p> <p>12 without saying, but you indicated that you responded</p> <p>13 to the 911 call; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. And you arrived two minutes after it</p> <p>16 was dispatched to you; is that correct?</p> <p>17 A. Correct.</p> <p>18 Q. And that was three minutes after the</p> <p>19 911 call had come in; is that correct?</p> <p>20 A. Correct.</p> <p>21 Q. So from looking at the records, the</p> <p>22 police report, you were there three minutes after</p> <p>23 the event; is that correct?</p> <p>24 A. Yes.</p> <p>25 Q. Whatever it was. And then you had to</p>	<p>1 Q. And by the way, you mentioned earlier</p> <p>2 that [REDACTED] handed you his cell phone -- is that</p> <p>3 correct -- at some point?</p> <p>4 A. Yes.</p> <p>5 Q. Did you know -- so you know [REDACTED] did</p> <p>6 not call you on his cell phone. He handed you his</p> <p>7 cell phone; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. So you would not have the cell phone</p> <p>10 number of [REDACTED] unless it's written -- was the</p> <p>11 cell phone number written on the cell phone?</p> <p>12 A. I didn't see it.</p> <p>13 Q. So you would not know his cell phone</p> <p>14 number; is that a fair statement?</p> <p>15 A. Correct.</p> <p>16 Q. Now, you testified earlier that you did</p> <p>17 talk to Mr. Furlow on the telephone; is that</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. Or at least you spoke to someone -- you</p> <p>21 spoke to a voice; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. And that voice was identified by</p> <p>24 [REDACTED] as his dad?</p> <p>25 A. Yes.</p>
Page 166	Page 168
<p>1 try to sort it out; is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. And paragraph 34 has this allegation,</p> <p>4 "Responding to this allegation, Officer Partin of</p> <p>5 the St. Louis County Police Department called</p> <p>6 Mr. Furlow on Mr. Furlow's cell phone." Do you see</p> <p>7 that?</p> <p>8 A. Yes.</p> <p>9 Q. Did I read that accurately?</p> <p>10 A. Yes.</p> <p>11 Q. Did you know Mr. Furlow's cell phone</p> <p>12 number?</p> <p>13 A. No.</p> <p>14 Q. So if you did not know his cell phone</p> <p>15 number, how could you possibly call Mr. Furlow?</p> <p>16 A. I didn't.</p> <p>17 Q. Did you -- I don't even know if you had</p> <p>18 a land line number, but let's ask you that. Did you</p> <p>19 call a land line number --</p> <p>20 A. No.</p> <p>21 Q. -- of Mr. Furlow?</p> <p>22 And so, in fact, this allegation that</p> <p>23 you called Mr. Furlow or Mr. Furlow's cell phone is</p> <p>24 inaccurate; is that correct?</p> <p>25 A. Correct.</p>	<p>1 Q. And so you -- but you did not see him</p> <p>2 in person; is that correct?</p> <p>3 A. Correct.</p> <p>4 Q. But this voice you were talking to, if</p> <p>5 it was Mr. Furlow, you -- you had responded just</p> <p>6 minutes after the event happened; is that correct?</p> <p>7 A. Correct.</p> <p>8 MR. HOLLAND: Objection.</p> <p>9 BY MR. HUGHES:</p> <p>10 Q. And either -- and if he was on the</p> <p>11 scene at the time of the incident happened and he</p> <p>12 was not on the scene when you talked to him on the</p> <p>13 phone, could you conclude that he fled the scene?</p> <p>14 A. Yes.</p> <p>15 Q. Would that be a reasonable conclusion</p> <p>16 by a reasonable officer?</p> <p>17 MR. HOLLAND: Objection.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MR. HUGHES:</p> <p>20 Q. Okay. And let me ask you this. Well,</p> <p>21 I think you testified earlier that initially he was</p> <p>22 talkative; is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. At some point -- okay. When he was</p> <p>25 talkative, did you listen to what he said?</p>

42 (Pages 165 to 168)

CHRISTOPHER PARTIN 2/8/2017

Page 169	Page 171
<p>1 A. Yes.</p> <p>2 Q. Now, at this point you had already</p> <p>3 gotten the story from Janet Virgin; is that correct?</p> <p>4 A. Yes.</p> <p>5 Q. But initially had you talked to the</p> <p>6 other independent -- the independent witness yet the</p> <p>7 first time the cell phone was given to you?</p> <p>8 A. I don't think so.</p> <p>9 Q. But now -- but anyway, at some point</p> <p>10 did Mr. -- did this voice, who was identified by</p> <p>11 [REDACTED] as his dad, did this voice become</p> <p>12 non-talkative?</p> <p>13 A. Yes.</p> <p>14 MR. HOLLAND: Objection.</p> <p>15 BY MR. HUGHES:</p> <p>16 Q. Could you explain how that was or what</p> <p>17 you said or what caused him to become non-talkative?</p> <p>18 MR. HOLLAND: Objection.</p> <p>19 THE WITNESS: When I started -- he</p> <p>20 started getting quiet after I asked him questions in</p> <p>21 regardings to the allegation of the cell phone</p> <p>22 theft.</p> <p>23 BY MR. HUGHES:</p> <p>24 Q. According to after you asked him</p> <p>25 allegations regarding the cell phone theft; is that</p>	<p>1 you were knocking on doors, tell us again what</p> <p>2 the -- well, I'll tell you what. Let's -- let's</p> <p>3 look at the police report. Let's look at what's</p> <p>4 been marked as Partin Exhibit 6; do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. And let's just go through -- let's go</p> <p>7 down the line. It says, "Call received: Radio."</p> <p>8 Now, is that generated by you or is that generated</p> <p>9 by someone else?</p> <p>10 MR. HOLLAND: Objection. Asked and</p> <p>11 answered.</p> <p>12 THE WITNESS: It's generated by the CAD</p> <p>13 system.</p> <p>14 BY MR. HUGHES:</p> <p>15 Q. Okay. Generated by the CAD system.</p> <p>16 All right. And then where it says what time the</p> <p>17 call came in, is that generated by the CAD system?</p> <p>18 A. Yes.</p> <p>19 Q. And, you know, it says there -- and</p> <p>20 that's the 911 call; is that correct?</p> <p>21 A. Received as the 911 call and dispatch</p> <p>22 is when patrol officers received it.</p> <p>23 Q. Yeah. So what was received, just to</p> <p>24 have this in good chronological order, was at 0857;</p> <p>25 is that correct?</p>
<p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. And that's when he became</p> <p>4 non-talkative; is that correct?</p> <p>5 MR. HOLLAND: Objection.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MR. HUGHES:</p> <p>8 Q. Okay. Now -- and then after that, you</p> <p>9 testified earlier, I believe, that you did -- you</p> <p>10 knocked on doors or you looked for other witnesses;</p> <p>11 is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. Is that because, once again, the theft</p> <p>14 of a phone is not considered a neighborly thing but</p> <p>15 is considered something a police officer must</p> <p>16 investigate; is that correct?</p> <p>17 MR. HOLLAND: Objection to form.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MR. HUGHES:</p> <p>20 Q. Okay. And as a reasonable police</p> <p>21 officer on the scene, you thought it was your</p> <p>22 obligation to investigate the allegation of theft of</p> <p>23 that phone; is that correct?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And -- okay. Now, after you --</p>	<p>1 MR. HOLLAND: Asked and answered.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MR. HUGHES:</p> <p>4 Q. And then it indicates "Nature:</p> <p>5 Assault." Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Is that CAD-generated, that term there?</p> <p>8 A. It -- that's what the call comes out</p> <p>9 as. It can be adjusted. In this sentence it was</p> <p>10 not.</p> <p>11 Q. Okay. So in other words, this written</p> <p>12 down as an assault was generated by the CAD; in</p> <p>13 other words, I think that's computer-aided dispatch</p> <p>14 or something like that; is that correct?</p> <p>15 A. Yeah.</p> <p>16 Q. So that's the -- you know, what the</p> <p>17 dispatcher called it out as, as an assault; is that</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. Initially? Okay. And then it</p> <p>21 indicates that you -- a dispatch went out at 0858;</p> <p>22 is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. And then you arrive at 0900; is that</p> <p>25 correct?</p>

43 (Pages 169 to 172)

CHRISTOPHER PARTIN 2/8/2017

Page 173	Page 175
<p>1 A. Yes.</p> <p>2 Q. At 116 Glen Garry Road, St. Louis</p> <p>3 County, Missouri; is that correct?</p> <p>4 A. Yes.</p> <p>5 Q. And -- and then it lists various</p> <p>6 officers, and one of them was Slusser; is that</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. And that was your field training</p> <p>10 officer; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. And it turned out there are some --</p> <p>13 another field training officer had arrived on the</p> <p>14 scene and another -- with another officer who was in</p> <p>15 field training; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. So on page 2, there is the -- it</p> <p>18 says, "Victim information"; is that correct, at the</p> <p>19 top of page 2, a black line and white lettering,</p> <p>20 "Victim information"?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And then it has "medical</p> <p>23 assistance" with a checkmark. What does that mean;</p> <p>24 do you know?</p> <p>25 A. I think we -- I think we did have</p>	<p>1 happened, you would never have been able to tell.</p> <p>2 Q. Okay. But -- and there wasn't any</p> <p>3 blood, as you mentioned earlier?</p> <p>4 A. Correct.</p> <p>5 Q. But you did believe there was some sort</p> <p>6 of mark; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. And you mentioned paramedics. Just so</p> <p>9 I understand, you did not call paramedics; is that</p> <p>10 correct?</p> <p>11 A. I think we did. We did call them.</p> <p>12 Q. Do you know that or was that just from</p> <p>13 the initial 911 -- 911 call that the 911 operator</p> <p>14 notified paramedics to go to the scene?</p> <p>15 A. I don't think they dispatched them for</p> <p>16 the fight. I think we called for them.</p> <p>17 Q. Okay. So after -- as part of your</p> <p>18 investigation after talking to the victim, you</p> <p>19 believe you called for paramedics; is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. All right. And then "injury</p> <p>22 description," you know, again, where Mr. Holland</p> <p>23 pointed out "probable not apparent," but as I -- I</p> <p>24 don't recall he pointed out "injury description" and</p> <p>25 what's written there is "punched in the head"; is</p>
<p>1 paramedics come out and she refused treatment.</p> <p>2 Q. Okay. And then to the right it has</p> <p>3 "will prosecute" and a checkmark; do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And just to your knowledge of</p> <p>6 court procedures, you know, if someone will</p> <p>7 prosecute, that would mean the victim would</p> <p>8 prosecute; is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. So the victim here is listed as who?</p> <p>11 A. Janet Virgin.</p> <p>12 Q. Okay. And it gives her address; is</p> <p>13 that correct?</p> <p>14 A. Yes.</p> <p>15 Q. And her address then was [REDACTED]</p> <p>16 [REDACTED]; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. Now, you -- as was pointed out by</p> <p>19 Mr. Holland under "injury class," it says, "Probable</p> <p>20 not apparent"; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. And tell us why you put probable.</p> <p>23 A. If you were really looking at it, you</p> <p>24 could see it, but if you weren't really looking --</p> <p>25 if you didn't know that something like this had</p>	<p>1 that correct?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So would you agree that a punch</p> <p>4 in the head would be considered -- if that happened,</p> <p>5 would you agree that would be considered an assault?</p> <p>6 A. Yes.</p> <p>7 Q. You know, maybe not, you know, assault</p> <p>8 in the first degree, but at least an assault to be</p> <p>9 sent, if nothing else, an ordinance violation; is</p> <p>10 that correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And -- and then you did list the</p> <p>13 name -- oh, under "treatment disposition," it is</p> <p>14 written "refused treatment"; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. So that would indicate that, you know,</p> <p>17 paramedics did talk to the victim and the victim</p> <p>18 said, no, I don't need to go to the hospital, or</p> <p>19 something to that effect; would that be a fair</p> <p>20 statement?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And then it has the witness and</p> <p>23 you list [REDACTED]; isn't that correct?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And it lists his address; is</p>

CHRISTOPHER PARTIN 2/8/2017

1 that correct? 2 A. Yes. 3 Q. And that's nearby; is that correct? 4 A. Yes. 5 Q. Okay. And is that the independent 6 person that you talked to -- 7 A. Yes. 8 Q. -- that did talk to you; is that 9 correct? 10 A. Yes. 11 Q. And other people you did knock on the 12 door, but they would not answer the door for you; is 13 that correct? 14 A. Correct. 15 Q. And then we go to the next page, and it 16 says, "Charges: Assault third, stealing under 17 \$500." Do you see that? 18 A. Yes. 19 Q. And it indicates the name Furlow 20 Dwayne; is that correct? 21 A. Yes. 22 Q. And it gives some information about 23 him, such as his height and his weight. Do you see 24 that? 25 A. Yes.	1 which I don't recognize. Can you explain that to 2 me? 3 A. If I remember correctly, that was the 4 actual address of his last known. 5 Q. Okay. Would you have gotten that off 6 the DOR records, for example? 7 A. Yeah. 8 Q. Okay. And Department of Revenue, DOR, 9 okay. And then "property information," the owner of 10 the property was listed as Janet Virgin. Did I read 11 that correctly? 12 A. Yes. 13 Q. And property says, "Stolen"; is that 14 correct? 15 A. Yes. 16 Q. "Item: Cell phone"; is that correct? 17 A. Yes. 18 Q. "Manufacturer: Cricket. Property 19 value \$175." 20 A. Yeah. 21 Q. Did you get that information -- did you 22 get that information from Ms. Virgin? 23 A. Yes. 24 Q. Okay. And it says, "Procedure 25 information." It says, "Neighborhood canvass," and
1 Q. Where did you get that information 2 from? 3 A. One of the computer systems. 4 Q. Okay. So you could check, like, for 5 example, the driver's license information? I guess 6 DOR, you mentioned that; is that correct? 7 A. Yeah. 8 Q. Does that generally have people's 9 height and weight? 10 A. Yeah. 11 Q. If it's true that he's 5 foot 11, 12 190 pounds, that he's -- would you agree is pretty 13 big size? 14 MR. HOLLAND: Objection to form. 15 MR. HUGHES: 190 pounder? 16 THE WITNESS: Yeah. 17 BY MR. HUGHES: 18 Q. If it's true a 190 pounder punched a 19 female in the head, you would not consider that a -- 20 as Mr. Holland referred to it as a, quote, 21 neighborly thing, unquote? 22 MR. HOLLAND: Objection to form. 23 THE WITNESS: No. 24 BY MR. HUGHES: 25 Q. Okay. And it has a street address,	1 there's a checkmark; is that correct? 2 A. Yes. 3 Q. So you did canvass the neighborhood, 4 looking for more witnesses, and you put that in your 5 report; is that correct? 6 MR. HOLLAND: Objection. Asked and 7 answered. 8 THE WITNESS: Yes. 9 BY MR. HUGHES: 10 Q. Is that something that your field 11 training officer, you know, suggested that you do? 12 A. He didn't suggest that we do it. We 13 just did it. 14 Q. So he did it also? 15 A. Me and -- I did it. 16 Q. Okay. But anyway, you just did it? 17 A. Yeah. 18 Q. Okay. By this point in your field 19 training you knew enough to do it; is that correct? 20 A. Yes. 21 Q. And you're supposed to try to impress 22 your field training instructor; is that correct? 23 MR. HOLLAND: Objection. 24 THE WITNESS: Yes. 25 MR. HUGHES: That you know what to do?

45 (Pages 177 to 180)

CHRISTOPHER PARTIN 2/8/2017

Page 181	Page 183
<p>1 Q. Okay. And then let's get into your 2 narrative. "On 11/11/2015, at approximately 3 8:50 a.m., Police Officer Slusser and I responded to 4 116 Glen Garry in reference to an assault"; is that 5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. Again, in reference to an assault, that 8 would have been how the 911 call was -- or strike 9 that.</p> <p>10 In reference to an assault, that's how 11 the dispatch would have come into you; is that 12 correct?</p> <p>13 A. Yes.</p> <p>14 MR. HOLLAND: Objection.</p> <p>15 BY MR. HUGHES:</p> <p>16 Q. And it says, "Upon arrival, I made 17 contact with the reporting party identified as Janet 18 Virgin who resides at [REDACTED]. Do you see 19 that?</p> <p>20 A. Yes.</p> <p>21 Q. Did I read that correctly?</p> <p>22 A. Yes.</p> <p>23 Q. Virgin explained that there have been 24 ongoing issues with Dwayne Furlow, Latoya Furlow, 25 and [REDACTED], who reside at 116 Glen Garry."</p>	<p>1 A. Yes.</p> <p>2 Q. -- "came after her and took the phone 3 from her with some force but Virgin could not recall 4 exactly what" -- you put he -- "exactly what he 5 did"; is that correct?</p> <p>6 A. Yeah.</p> <p>7 Q. Was she a little bit excitable that 8 day?</p> <p>9 A. Yes.</p> <p>10 Q. Let me ask you this. Maybe she was 11 excitable. I mean, if she was, that would be 12 understandable. Did she appear to you that day that 13 she had, you know, any mental health issues that 14 were apparent to you?</p> <p>15 MR. HOLLAND: Objection --</p> <p>16 THE WITNESS: No.</p> <p>17 MR. HOLLAND: -- to the colloquy.</p> <p>18 Objection to form.</p> <p>19 MR. HUGHES: I'm sorry, what?</p> <p>20 MR. HOLLAND: Objection to form and the 21 preceding colloquy.</p> <p>22 BY MR. HUGHES:</p> <p>23 Q. Okay. She did not appear to you to 24 have any -- you know, nothing that was apparent to 25 you --</p>
<p>1 Did I read that correctly?</p> <p>2 A. Yes.</p> <p>3 Q. Virgin stated her children, [REDACTED] 4 [REDACTED] and [REDACTED], were verbally harassed by 5 [REDACTED] and an unknown juvenile. Virgin 6 stated [REDACTED] began fighting with [REDACTED] 7 and [REDACTED]. D. Furlow and Latoya Furlow stood by and 8 watched the altercation and did not break it up."</p> <p>9 Let me ask you a question about that. 10 Are you just reporting what she told you --</p> <p>11 MR. HOLLAND: Objection to form.</p> <p>12 BY MR. HUGHES:</p> <p>13 Q. -- with regard to Dwayne Furlow and 14 Latoya Furlow being present and standing by and 15 watching the altercation?</p> <p>16 A. Yes.</p> <p>17 MR. HOLLAND: Objection to form.</p> <p>18 THE WITNESS: That's what Virgin had 19 stated on the scene.</p> <p>20 BY MR. HUGHES:</p> <p>21 Q. Okay. And so then after that, it 22 stated, "Virgin stated she began recording the 23 incident on her Android ZTE smartphone. Virgin 24 explained after recording started, D. Furlow" -- I 25 guess that's Dwayne Furlow; is that correct?</p>	<p>1 A. No.</p> <p>2 Q. -- that she had mental health issues?</p> <p>3 So -- okay. And you didn't know her 4 before?</p> <p>5 A. No.</p> <p>6 Q. And you didn't know Dwayne Furlow 7 before; is that a fair statement?</p> <p>8 A. Correct.</p> <p>9 Q. And then it says, "I've made contact 10 with D. Furlow and Latoya Furlow via [REDACTED]'s cell 11 phone, who stated at first he heard an altercation 12 out on the front lawn and did not see anyone 13 fighting. After continuing to speak with D. 14 Furlow," Dwayne Furlow, "he then changed his account 15 of the incident and stated he saw and heard the 16 fight. Dwayne Furlow advised he tried to break up 17 the altercation."</p> <p>18 Let me ask you this: You alluded to 19 something earlier in your testimony when Mr. Holland 20 was asking you questions. You alluded to something 21 about there was at least a second time that [REDACTED] 22 handed you his cell phone?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. I don't get it. Can you explain 25 that to me?</p>

CHRISTOPHER PARTIN 2/8/2017

Page 185	Page 187
<p>1 A. Well, I can't -- I had talked to him, 2 and I tried to talk to him about the assault and 3 then tried to get him to come back to the property 4 to talk to me about the allegations of the assault 5 and that -- and so I could figure out what was 6 actually going on with the fight. And after -- 7 after being told for, I think, the second or third 8 time to do my F'ing job, I got tired of being 9 berated when I was trying to do my job and figure 10 out what was going on, so I handed him back the 11 phone, and then I continued to try and investigate 12 what was going on, but then he handed me the phone 13 again and --</p> <p>14 Q. Okay. My -- here's my question: When 15 he handed you the phone again, did you -- did 16 [REDACTED] just say, Here, my dad wants to talk to you 17 again, or did you say to [REDACTED], Can I talk to your 18 dad again? I don't get that.</p> <p>19 A. It was [REDACTED] saying he wanted to talk 20 to me again.</p> <p>21 Q. Oh, okay. Did he -- did -- after 22 [REDACTED] said his dad wants to talk to you again, did 23 you bring up the subject about the cell phone or did 24 you make some statements to him or -- to Dwayne or 25 what, or to -- to the voice who you -- who probably</p>	<p>1 eyewitness; is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. And did you believe then you had 4 probable cause to either arrest Mr. Furlow or give 5 him a summons for the night court?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So you believe, in good faith as 8 an officer on the scene trying to do your job, that 9 you had probable cause and you asked him to go and 10 talk to you in person; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. And if he came and talked to you in 13 person, would you have talked to him in person?</p> <p>14 MR. HOLLAND: Objection.</p> <p>15 THE WITNESS: If he was willing to talk 16 to me, yes. If not --</p> <p>17 BY MR. HUGHES:</p> <p>18 Q. And then would you have made a judgment 19 call at that point to either, you know -- if it 20 seemed to be a dangerous situation to take him for 21 booking or get him away from the danger, or if it 22 wasn't dangerous, to just issue him a summons to 23 appear in night court?</p> <p>24 MR. HOLLAND: Objection.</p> <p>25 THE WITNESS: Yes.</p>
<p>1 was or at least you thought was Dwayne?</p> <p>2 MR. HOLLAND: Objection.</p> <p>3 THE WITNESS: I -- I told him what I 4 had, and I told him I had more than enough probable 5 cause to place him out as wanted for the assault and 6 theft of the phone, and he was like, "Man, do your 7 F'ing job." He kept -- he said it numerous times.</p> <p>8 BY MR. HUGHES:</p> <p>9 Q. Anyway, your report says, "When 10 questioned about taking Virgin's cell phone, D. 11 Furlow denied taking Virgin's property. D. Furlow 12 refused to return to the scene and speak with me." 13 Is that correct?</p> <p>14 A. It was trying to get him to return to 15 the scene and speak with me. It wasn't just about 16 the phone or the assault. It was about his kids 17 fighting and those issues.</p> <p>18 Q. All right. You're still trying to sort 19 everything out; is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. But anyway -- and but at this point, 22 you did have a statement from Ms. Virgin; is that 23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. And you had a statement from another</p>	<p>1 BY MR. HUGHES:</p> <p>2 Q. Okay. Can I see this?</p> <p>3 In paragraph 21 of the first amended 4 complaint, Gomez Exhibit 4, just so we understand, 5 it just alleges generally "Subjects of wanted often 6 do not know they have been designated for arrest by 7 defendants pursuant to a wanted." In this 8 particular case, did you come right out and tell 9 Mr. Furlow -- strike that.</p> <p>10 In this particular case, after you had 11 already determined you had probable cause for 12 arrest, did you actually tell Mr. Furlow that you 13 would issue a wanted; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. So he knew about it; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. And as was brought up by Mr. Holland, 18 you had numerous telephone calls with Blake Strode; 19 is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. So would it be a fair statement that 22 it's obvious to you that Mr. Furlow knew that there 23 was a wanted out for him; is that correct?</p> <p>24 A. Yes.</p> <p>25 Q. And as it turned out, when he</p>

47 (Pages 185 to 188)

CHRISTOPHER PARTIN 2/8/2017

Page 189	Page 191
1 ultimately appeared a month and a day after this 2 happened and you issued a summons, the wanted was 3 canceled by you that very day; is that correct? 4 A. Yes. 5 Q. And if he had appeared with Mr. Strode, 6 you know, the next day or the day after or three 7 days after and you issued a summons, you would have 8 canceled the wanted then too; is that correct? 9 A. Correct. 10 MR. HOLLAND: Objection. Form. 11 BY MR. HUGHES: 12 Q. In paragraph 23, it's alleged that 13 wanteds are issued to punish people. Did you issue 14 a wanted on Dwayne Furlow for the purpose of 15 punishing him? 16 A. No. 17 MR. HOLLAND: Objection to form. 18 BY MR. HUGHES: 19 Q. Did you issue a wanted because you had 20 probable cause to believe he committed some offense 21 and he -- is that correct? 22 A. Yes. 23 Q. Okay. And in paragraph 24, it's 24 alleged that police officers issue wanteds to 25 demonstrate the authority over an individual. Did	1 A. Yes. 2 Q. And this field training officer, you 3 and he go back and forth in discussing these things; 4 is that correct? 5 A. Yes. 6 Q. Was your field training officer fully 7 aware that the wanted was being issued? 8 A. Yes. 9 Q. Okay. And paragraph 41 alleges that 10 counsel for plaintiffs spoke with Officer Partin. 11 Now, who was that counsel? 12 A. Blake Strode. 13 Q. And you're aware that in this Gomez 14 Exhibit 4, Blake Strode is listed as the lead 15 counsel with the first signature on page 35, first 16 electronic signature? 17 A. Yes. 18 Q. Okay. And paragraph 45 alleges that 19 counsel for Furlow contacted you several times by 20 telephone to arrange a time to deliver Mr. Furlow to 21 Officer Partin's station or precinct; do you see 22 that? 23 A. Yes. 24 Q. You know, again, this is alleged in 25 paragraph 45 that Counsel contacted you several
Page 190	Page 192
1 you ask for a wanted on Dwayne Furlow for the 2 purpose of exercising your authority over him? 3 MR. HOLLAND: Objection to form. 4 THE WITNESS: No. 5 BY MR. HUGHES: 6 Q. Did you exercise -- ask for a wanted in 7 order -- because -- did you ask for a wanted because 8 you believed there was probable cause to believe 9 that he committed some sort of an assault and some 10 sort of theft of property? 11 A. Yes. 12 MR. HOLLAND: Objection. Asked and 13 answered. 14 BY MR. HUGHES: 15 Q. Okay. Did -- paragraph 22, it 16 mentions, you know, quantity -- you know, this 17 scheme is at the whim of police officers. Did you 18 ask for a wanted on Dwayne Furlow on a mere whim? 19 A. No. 20 MR. HOLLAND: Objection. 21 BY MR. HUGHES: 22 Q. Again, you had probable cause? 23 A. Yes. 24 Q. And again, you had your field training 25 officer with you?	1 times by telephone to attempt to arrange a time to 2 deliver Mr. Furlow to Officer Partin's station or 3 precinct. Did you ever refuse to say no, I'm not 4 going to allow you to deliver him to -- you know, to 5 me at my station or precinct? 6 A. No. 7 Q. In fact, I think you alluded to this 8 earlier, you even told him what days you would be 9 working; is that correct? 10 A. Yes. 11 Q. And the reason you told him what days 12 you would be working would be -- and correct me if 13 I'm wrong -- to make it easier on them so that he 14 could be released on a summons; is that correct? 15 MR. HOLLAND: Objection to form. 16 THE WITNESS: Yes. 17 BY MR. HUGHES: 18 Q. If I'm not correct, will you explain 19 it? I mean, well, since there is an objection as to 20 form, he didn't state what was wrong with the form. 21 But assuming he says it was leading, why don't you 22 tell us why you told him the dates that you were 23 working. 24 A. So that I wouldn't be inconvenienced on 25 my day off.

48 (Pages 189 to 192)

CHRISTOPHER PARTIN 2/8/2017

Page 193	Page 195
<p>1 Q. Okay. So you wouldn't be 2 inconvenienced, okay. So he -- but would it be true 3 he -- they also would not be inconvenienced?</p> <p>4 A. Yeah.</p> <p>5 Q. Okay.</p> <p>6 A. Because if he would have turned himself 7 into the station and they would have known I was 8 off, they would have arrested him, transported him 9 to Clayton, and then called me to come back to work.</p> <p>10 Q. Okay. Now, on page 48 -- excuse me, on 11 paragraph 48, which is page 11 of the first amended 12 complaint, it indicates that Mr. Furlow, accompanied 13 by Counsel, turned himself in to St. Louis County's 14 jail on the evening of December 12th, 2015; do you 15 see that?</p> <p>16 A. Yes.</p> <p>17 Q. And let's just see, though, if we have 18 the full story. You were working that day; is that 19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. But at this time you were working the 22 Affton precinct; is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. And I think you said something like you 25 were practically in Jefferson County. What you mean</p>	<p>1 month -- 2 MR. HOLLAND: Please don't interrupt 3 the witness. 4 BY MR. HUGHES: 5 Q. I'll let you finish. Are you saying he 6 was breaking promises when he was going to turn 7 himself in? 8 MR. HOLLAND: Why don't you let him 9 finish his first answer, and then you can ask him 10 the follow-up question. 11 THE WITNESS: So the -- 12 BY MR. HUGHES: 13 Q. Just answer the question any way you 14 want. Go ahead and answer -- maybe I shouldn't have 15 interrupted. Just answer the question. 16 A. So for the entire month, I mean, that 17 night I didn't believe that he was going to turn 18 himself in. For -- for the whole month of November, 19 from the time the incident happened to 20 December 12th, he said he was going to turn him 21 in -- he was going to respond and turn him in and so 22 we could be done with this matter. I had heard this 23 numerous times and it never happened, so when he 24 said that he was going to turn himself in that 25 night, I didn't get my hopes up.</p>
Page 194	Page 196
<p>1 by that is, where you had been patrolling that day 2 was so far south you were closer to Jefferson 3 County; would that be a fair statement?</p> <p>4 A. I was closer to Jefferson County than I 5 was my precinct station.</p> <p>6 Q. Oh, okay. And so -- and the call came 7 in. Did it come in and say they were there now or 8 did the call came in saying I'm going to turn him in 9 later on?</p> <p>10 A. I think it was --</p> <p>11 Q. As best you remember.</p> <p>12 A. It was a call -- earlier in the day, I 13 got a call to call Mr. Strode. And I called him and 14 he said that he was going to turn himself in that 15 night, which I honestly didn't think it was going to 16 happen since I had --</p> <p>17 Q. I didn't ask you what you think.</p> <p>18 MR. HOLLAND: Let him finish the 19 answer, Mr. Hughes.</p> <p>20 BY MR. HUGHES:</p> <p>21 Q. Okay. Go ahead.</p> <p>22 A. I didn't think it was going to happen 23 because for almost an entire month I had been 24 hearing this same thing and --</p> <p>25 Q. Are you saying almost an entire</p>	<p>1 Q. Okay. But then did you receive a call 2 that day that he had turned himself in? 3 A. I believe it came through dispatch. I 4 can't remember if it was to call Mr. Strode or just 5 to respond to 100 South Central for Mr. Furlow. 6 Q. Once you received that call that 7 Mr. Strode -- Mr. Furlow was turning himself in with 8 his counsel, did you make any attempts to get down 9 to 100 South Central as quickly as possible? 10 A. We -- as soon as I notified my field 11 trainer, we got there as quickly as we could. I 12 mean, we were coming from a distance, and I don't -- 13 we may have had to clear from a call first before we 14 could head that way, but as soon as we were able, we 15 headed that way. 16 Q. Okay. And then paragraph 50 alleges 17 that Mr. Furlow's counsel reiterated to you that 18 Mr. Furlow did not intend to answer any questions. 19 Is that another way of saying that Mr. Furlow was 20 exercising his Fifth Amendment right not to 21 incriminate himself? 22 A. Yes. 23 MR. HOLLAND: Objection. 24 BY MR. HUGHES: 25 Q. When he exercises his Fifth Amendment</p>

CHRISTOPHER PARTIN 2/8/2017

Page 197	Page 199
<p>1 right not to incriminate himself, did you honor that 2 right? 3 A. Yes. 4 Q. Okay. And then did you prepare a 5 summons? 6 A. Yes. 7 Q. Objection. And paragraph -- 8 paragraph 50, you know, the rest of the sentence 9 indicates that "Officer Partin and the supervising 10 officer," I assume they're referring to the field 11 trainer that was with you that day, but you were 12 with a field training officer at that time; is that 13 correct? 14 A. Yes, Officer Curcuru. 15 Q. And so "Officer Partin and the 16 supervising officer informed Counsel" -- I guess 17 that means Mr. Strode -- "that there would be no 18 need to take Mr. Furlow into custody. And then 19 paragraph 51 said, "Officer Partin issued a summons 20 for Mr. Furlow to appear in court," so that's 21 correct; is that correct? 22 A. Yes. 23 Q. So -- so just as -- what was alleged in 24 paragraphs 50 and 51, he was not jailed but he was 25 released on a summons; is that correct?</p>	<p>1 Q. So your interaction with him was, you 2 know, doing your investigation and trying to get him 3 to come in to, you know, be given an opportunity to 4 give his side of the story, and then you issued a 5 summons; is that correct? 6 A. Correct. 7 Q. And at any time did you -- did you have 8 any malice towards Mr. Furlow? 9 A. No. 10 Q. At any time were you trying to be 11 punitive to Mr. Furlow? 12 A. No. 13 Q. Okay. Did you have any ill will 14 towards Mr. Furlow? 15 A. No. 16 Q. Did -- at any time were you trying to 17 be deliberately indifferent to his rights? 18 A. No. 19 Q. In fact, you were -- you warned him -- 20 you asked him to come in to give his side of the 21 story; is that correct? 22 A. Yes. 23 Q. And when he didn't, you -- and you told 24 him you had probable cause -- you had probable cause 25 or you had enough to arrest him if he -- is that</p>
Page 198	Page 200
<p>1 A. Correct. 2 Q. And then paragraph 52 alleges that 3 after issuing the summons, you stated that the 4 wanted would be quashed. Did you use the word 5 "quashed"? I'm just curious. 6 A. No, I had to ask what that meant. 7 Q. Who did you ask? 8 A. You. 9 Q. Okay. So what word would you have 10 used? 11 A. "Removed," "canceled." 12 Q. Okay. And so you did remove the wanted 13 or canceled the wanted that day; is that correct? 14 A. If I -- I canceled it that day and 15 actually I canceled it as we were leaving Justice 16 Services heading back to Afton. 17 Q. Okay. Now, let's -- you were asked if 18 you had ever -- if you had ever seen Mr. Furlow or 19 heard of him before this incident of November 11th, 20 2015, and you said no; is that correct? 21 A. Yes. 22 Q. And you were asked if you had any 23 interaction with him after December 12th, 2015, and 24 you answered no; is that correct? 25 A. Yes.</p>	<p>1 correct? 2 MR. HOLLAND: Objection -- 3 THE WITNESS: Yeah. 4 BY MR. HUGHES: 5 Q. And -- 6 MR. HOLLAND: -- to form. 7 BY MR. HUGHES: 8 Q. And you told him that you could issue a 9 wanted; is that correct? 10 MR. HOLLAND: Objection to form. 11 THE WITNESS: Yes. 12 BY MR. HUGHES: 13 Q. So you warned him of that; is that 14 correct? 15 A. Yes. 16 Q. And then you discussed with his 17 attorney numerous times; is that correct? 18 A. Yes. 19 MR. HOLLAND: Objection to form. 20 BY MR. HUGHES: 21 Q. And then you -- when he finally did 22 come in and he finally did exercise his right not to 23 incriminate himself, you honored that and you issued 24 him a summons; is that correct? 25 MR. HOLLAND: Objection to form.</p>

50 (Pages 197 to 200)

CHRISTOPHER PARTIN 2/8/2017

Page 201	Page 203
<p>1 THE WITNESS: Yes. 2 BY MR. HUGHES: 3 Q. And that summons was for -- to appear 4 in night court; is that correct? 5 A. Yes. 6 Q. And -- 7 MR. HOLLAND: Objection to form. 8 BY MR. HUGHES: 9 Q. And you were asked about Partin Exhibit 10 Number 8, which is the complaint information 11 summons -- whatever it's called; do you see that? 12 A. Yes. 13 Q. Do you see about a third of the way 14 down it has a report number? It has, you know, 15 preprinted report number and under that it has some 16 numbers indicating a report; do you see that? 17 A. Yes. 18 Q. Okay. And what numbers did you put in 19 there? 20 A. 15-61723. 21 Q. Okay. Now, do you have Partin 22 Exhibit 6 with you? 23 A. Yes. 24 Q. And Partin Exhibit 6, is that 15-61723? 25 A. Yes.</p>	<p>1 "see report for further" were -- were signed off by 2 the County Counselor, whoever B. Joyce Kelly is; is 3 that correct? 4 A. Yes. 5 MR. HOLLAND: Objection to form. 6 BY MR. HUGHES: 7 Q. Okay. So the charges were issued; is 8 that correct? 9 MR. HOLLAND: Objection to form. 10 MR. HUGHES: It was signed off by the 11 prosecutor, let's put it that way. 12 Q. It was signed off by B. Joyce Kelly; is 13 that correct? 14 A. Yes. 15 MR. HOLLAND: Objection to form. 16 BY MR. HUGHES: 17 Q. Okay. So now let me ask you this: 18 Paragraph 53 alleges that on February 17th, 2016, 19 Mr. Furlow's counsel appeared on Mr. Furlow's behalf 20 in St. Louis County Municipal Court, North Division. 21 Did you see that? 22 A. Yes. 23 Q. Now, would it be a true statement that 24 on the first court date, the attorneys can appear 25 without their client and enter a plea of not guilty,</p>
Page 202	Page 204
<p>1 Q. Okay. And does that report describe 2 the event that was called in as an assault but also 3 discussed a theft? 4 A. Yes. 5 Q. Okay. And then what you -- what this 6 arrest notification, this complaint information 7 summons was for was an assault and it says, 8 "Larceny"; is that correct? 9 A. Yes. 10 Q. And then it says, "See report for 11 further"; is that correct? 12 A. Yes. 13 Q. And when you put "see report for 14 further," you're referring to that report, 15-61723, 15 which is Partin 6; is that correct? 16 A. Yes. 17 Q. And do you see the signature B. Joyce 18 Kelly? 19 A. Yes. 20 Q. So is that the -- a prosecutor or -- 21 MR. HOLLAND: Objection to form. 22 THE WITNESS: County Counselor, I 23 believe. 24 BY MR. HUGHES: 25 Q. So -- right. Okay. So the charges</p>	<p>1 and then if they enter a plea of not guilty or ask 2 for a trial date, then, you know, the victim would 3 be notified to appear in court? 4 A. Yes. 5 Q. So if there was a plea of not guilty on 6 that date, the victim, Janet Virgin, would be -- 7 and, you know, would be notified to appear on 8 whenever the trial date is; is that correct? 9 A. Yes. 10 Q. Were you ever notified that a plea of 11 not guilty was entered, by any chance? 12 A. No. 13 Q. Were you ever notified that this case 14 was set for trial? 15 A. No. 16 Q. Were you ever notified that the victim 17 was notified of a trial setting? 18 A. No. 19 Q. So as far as you know, there's no plea 20 of not guilty from what anyone has told you? 21 A. Correct. 22 Q. And paragraph 54 alleges "While 23 discussing Mr. Furlow's case, a municipal prosecutor 24 read the charging document written by Officer 25 Partin, apparently for the first time." Now, were</p>

51 (Pages 201 to 204)

CHRISTOPHER PARTIN 2/8/2017

Page 205	Page 207
<p>1 you involved or were you even present when I guess 2 the counsel for Mr. Furlow and the municipal 3 prosecutor were having this discussion?</p> <p>4 A. No.</p> <p>5 Q. Okay. The -- it indicates -- and 6 Mr. Holland was bringing out that, you know, you 7 wrote "by reason of," and where it's preprinted, 8 where it says, "By reason of," what you ended up 9 writing in addition to "see report for further," you 10 wrote about the circumstances involved when 11 Mr. Strode and Mr. Furlow appeared and he indicated 12 he did not wish to speak to us; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Now, assuming the point made by 15 Mr. Holland was correct, that there's some sort of 16 defect in the way this complaint information summons 17 was written, even though it was signed by B. Joyce 18 Kelly, but let's just assume it's correct that 19 there's some sort of defect in the way this is 20 written, and let's assume that see report -- "see 21 report for further" does not give the -- you know, 22 the man accused enough notice of what he's -- you 23 know, what the allegations are, do you know enough 24 about court procedures to know that a prosecutor can 25 amend defects in the information prior --</p>	<p>1 Q. Again, did any witness --</p> <p>2 MR. HOLLAND: Mike, I'm not sure that 3 he was shown that document, so can you -- are you 4 pointing to a specific exhibit?</p> <p>5 MR. HUGHES: No, you asked him what 6 documents he was shown in preparation for his 7 deposition and --</p> <p>8 MR. HOLLAND: Got you.</p> <p>9 MR. HUGHES: -- he testified he saw 10 that.</p> <p>11 MR. HOLLAND: Understood.</p> <p>12 MR. HUGHES: So that's why I brought 13 that up.</p> <p>14 Q. So just my question to you, and I can 15 see it's repetitive. Mr. Holland wants to make an 16 objection.</p> <p>17 MR. HOLLAND: I just didn't know what 18 document you were looking at.</p> <p>19 BY MR. HUGHES:</p> <p>20 Q. Yeah. But did any witness that day on 21 November 11th, again, tell you that this lady had 22 mental issues?</p> <p>23 A. No.</p> <p>24 Q. And just from what you know about 25 ordinary life, was any mental issues apparent to you</p>
Page 206	Page 208
<p>1 A. Yes.</p> <p>2 Q. -- to the trial date?</p> <p>3 A. Yes.</p> <p>4 Q. And would you assume that an attorney 5 who does municipal court work would know that also?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 MR. HOLLAND: Objection to form.</p> <p>9 BY MR. HUGHES:</p> <p>10 Q. You testified earlier that you had 11 become -- well, you were asked what documents you 12 were shown in preparation for your deposition, and 13 one of the things you mentioned was an exhibit that 14 was produced to plaintiff's counsel that was made in 15 the ordinary course of business of the prosecutor 16 that indicated that the reason for dismissal was 17 that "Attorney appeared in court says it's a 18 neighbor dispute and the neighbor is not mentally 19 well and says they have since moved." So you were 20 aware -- you were shown that document; is that 21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. You testified to that.</p> <p>24 MR. HOLLAND: Objection.</p> <p>25 BY MR. HUGHES:</p>	<p>1 in talking to the victim?</p> <p>2 A. No.</p> <p>3 MR. HOLLAND: Objection.</p> <p>4 BY MR. HUGHES:</p> <p>5 Q. Okay. And -- and again, as a police 6 officer on the street, would you consider if it's 7 true that she was -- what's in the report "punched 8 in the head," and if it's true that the cell phone 9 was taken, would you just consider that a neighborly 10 dispute?</p> <p>11 MR. HOLLAND: Objection to form. Asked 12 and answered.</p> <p>13 THE WITNESS: No.</p> <p>14 BY MR. HUGHES:</p> <p>15 Q. Okay. And do you have any knowledge 16 one way or the other on whether -- I don't know who 17 had moved, but do you have any knowledge one way or 18 the other if this lady had already moved by this 19 first court date?</p> <p>20 MR. HOLLAND: Objection to form.</p> <p>21 THE WITNESS: Not to my knowledge.</p> <p>22 BY MR. HUGHES:</p> <p>23 Q. You wouldn't know yourself; is that 24 correct?</p> <p>25 A. No.</p>

52 (Pages 205 to 208)

Page 209	Page 211
<p>1 Q. So -- oh, you had made a comment 2 earlier to Mr. Holland saying my -- he seemed to be 3 critical of the way you wrote the report, and you 4 made the comment that my report writing has grown 5 since this report. Do you remember making that 6 statement?</p> <p>7 MR. HOLLAND: Objection to form. I was 8 not critical.</p> <p>9 MR. HUGHES: It was not critical?</p> <p>10 THE WITNESS: Yes, I remember.</p> <p>11 BY MR. HUGHES:</p> <p>12 Q. Okay. And -- okay. And so at the time 13 you wrote the report you were -- strike that. I'll 14 move on.</p> <p>15 And regarding the wanted that was 16 issued, that -- you would have requested the wanted 17 be issued with the CARE clerk; is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. And that would have been issued in 20 REJIS, the regional system?</p> <p>21 A. Yes.</p> <p>22 Q. And you had no reason to think, for 23 example, that Mr. Furlow might be going to -- moving 24 to Illinois or going to Kansas City or Rolla or 25 Columbia, you had no reason to think it had to be</p>	<p>1 A. It was either it came out as either a 2 fight or an assault.</p> <p>3 Q. And I believe Mr. Hughes pointed you on 4 page 1 of Exhibit 6 to the nature of the -- I guess 5 the call, and it says, "Assault."</p> <p>6 A. Fights are assaults.</p> <p>7 Q. That's where I'm going, sir.</p> <p>8 MR. HUGHES: The question he asked you, 9 what does it say?</p> <p>10 THE WITNESS: It says "assault" but a 11 fight is an assault.</p> <p>12 BY MR. HOLLAND:</p> <p>13 Q. So if the call had been for children 14 fighting, would that have been classified under 15 nature as assault?</p> <p>16 A. It would have -- yeah, it's a generic. 17 It's -- it doesn't -- the only way it would have 18 been different, if it was boyfriend and girlfriend, 19 then it would have been domestic violence.</p> <p>20 Q. And, in fact, if you look at your 21 narrative from this report, neither your report of 22 Ms. Virgin's statement nor your report of [REDACTED] 23 [REDACTED]'s statement refers to Mr. Furlow punching 24 Ms. Virgin; is that correct?</p> <p>25 A. Ms. Virgin could not recall exactly</p>
Page 210	Page 212
<p>1 put a statewide wanted?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. So what was entered against him 4 was just in the regional system; is that correct?</p> <p>5 A. Should have been.</p> <p>6 Q. And -- Officer Partin, thank you very 7 much. I have no other questions.</p> <p>8 FURTHER EXAMINATION</p> <p>9 BY MR. HOLLAND:</p> <p>10 Q. I have a few follow-ups just to what 11 Mr. Hughes was talking to you about. So prior to 12 November 11th, 2015, had you ever met Janet Virgin 13 before?</p> <p>14 A. No.</p> <p>15 Q. So when you happened upon her that 16 morning, you had no -- you couldn't tell whether the 17 mark you described for us today had been on her head 18 a week or two before, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Do you know who placed the 911 call 21 that morning?</p> <p>22 A. I do not.</p> <p>23 Q. What were you informed when the 24 dispatch came out to you? What was the -- what was 25 the call?</p>	<p>1 what he did, and [REDACTED] stated he observed the 2 altercation, was not certain who started that 3 altercation, and he just observed D. Furlow take a 4 phone from Virgin.</p> <p>5 Q. And we earlier talked about how you 6 couldn't be sure based on his account whether that 7 was Ms. Virgin's cell phone or Mr. Furlow taking his 8 phone back from her; is that correct?</p> <p>9 A. Correct.</p> <p>10 Q. Now, when Mr. Hughes was talking to 11 you, he brought up a cab driver.</p> <p>12 A. Yes.</p> <p>13 Q. I didn't see anything about a cab 14 driver in your report. Can you tell me anything 15 about that?</p> <p>16 A. Because the cab -- the cab driver 17 was -- the language barrier was so difficult, we 18 couldn't understand anything he was saying other 19 than he called. He called someone. But usually if 20 there's a language barrier with a call taker and a 21 reporting party, they let us know, like, significant 22 language barrier or something to that effect, so he 23 says he called someone, but that never came across 24 to us that him -- as him as the call taker or 25 reporting party.</p>

CHRISTOPHER PARTIN 2/8/2017

Page 213	Page 215
<p>1 Q. So he says he called someone. Was he 2 saying he made the 911 call?</p> <p>3 A. He says he called someone, but like I 4 said, when trying to speak with him, the language 5 barrier was so great that you really couldn't 6 understand anything he was saying and the simple -- 7 and I mean -- yeah. Whoever he called, it was not 8 911 because we didn't get more than one call and 9 they didn't advise language barrier, which they are 10 very good about advising language barriers.</p> <p>11 Q. Did anyone else on the scene say that 12 they had made the 911 call?</p> <p>13 A. Other than Virgin, no.</p> <p>14 Q. Virgin told you she placed the 911 15 call?</p> <p>16 A. She called.</p> <p>17 Q. Do you -- just looking at exhibit -- 18 the summons, do you know who D. Joyce Kelly is?</p> <p>19 A. No.</p> <p>20 Q. Do you know whether that signature or 21 stamp, whatever it is on the middle of the page, 22 indicates that she read the report?</p> <p>23 A. No, I don't know.</p> <p>24 Q. Do you know whether that indicates 25 anything more than that she signed this report --</p>	<p>1 that correct? 2 A. Correct.</p> <p>3 Q. Did [REDACTED] ever tell you that the 4 phone that his dad removed from Ms. Virgin was his 5 dad's phone?</p> <p>6 A. No.</p> <p>7 Q. Did anyone on the scene tell you or 8 suggest to you the possibility that when 9 Mr. Phone -- Mr. Furlow was taking the phone from 10 Ms. Virgin, that he was taking his own phone from 11 her?</p> <p>12 A. No.</p> <p>13 MR. HUGHES: Thank you. I have no 14 other questions.</p> <p>15 FURTHER EXAMINATION</p> <p>16 BY MR. HOLLAND:</p> <p>17 Q. I would only ask one question: Was 18 your determination of probable cause based on 19 anything beyond the eyewitness and Ms. Virgin's 20 statement?</p> <p>21 A. Say that again.</p> <p>22 Q. Was your determination that you had 23 probable cause based on anything beyond the 24 statement by the eyewitness, [REDACTED], and 25 Ms. Virgin's statement?</p>
Page 214	Page 216
<p>1 piece of paper? 2 A. I do not.</p> <p>3 MR. HOLLAND: I think that's all I 4 have.</p> <p>5 FURTHER EXAMINATION</p> <p>6 BY MR. HUGHES:</p> <p>7 Q. I have a question. This was 8 interesting. He -- Mr. Holland just asked you words 9 to this effect: You could not tell if Mr. Furlow 10 was taking back his own cell phone or taking 11 Ms. Virgin's cell phone; do you recall that?</p> <p>12 MR. HOLLAND: Objection based on the 13 account given by the eyewitness.</p> <p>14 BY MR. HUGHES:</p> <p>15 Q. Do you recall that question as being 16 asked of you?</p> <p>17 A. Yes.</p> <p>18 Q. Did -- did the eye -- did Ms. Virgin 19 ever tell you that when Mr. Furlow grabbed the cell 20 phone out of her hand that she was using to 21 videotape the fight, to film the fight, that this -- 22 that the telephone that was taken out of her hand 23 belonged to Mr. Furlow?</p> <p>24 A. No.</p> <p>25 Q. Okay. And you talked to [REDACTED]; is</p>	<p>1 A. It was based on that.</p> <p>2 MR. HOLLAND: That's all I have.</p> <p>3 MR. HUGHES: Okay. Here's the drill: 4 You have the right to read the deposition once it's 5 typed up and make changes to your testimony or make 6 corrections that she makes. But most -- I advise 7 you to waive that right because it's being videoed 8 anyway, so I doubt she'll make a mistake. 9 But even if she does, it will be 10 videoed, but if you don't waive that -- your 11 signature, you'll have to, within a -- you know, 12 fill out all the corrections to be made. So would 13 you like to waive your signature? You'll get the 14 deposition either way.</p> <p>15 THE WITNESS: Yeah.</p> <p>16 MR. HUGHES: Okay. Thank you.</p> <p>17 THE VIDEOGRAPHER: The time is 3:30.</p> <p>18 We are off the record. This concludes the 19 deposition of Officer Christopher Partin.</p> <p>20 (Whereupon, signature was 21 waived and the witness was 22 excused at 3:29 p.m.)</p> <p>23 --ooO--</p>

54 (Pages 213 to 216)

Page 217

1 CERTIFICATE OF REPORTER
2

3 I, RENÉE COMBS QUINBY, a Registered Merit
4 Reporter, Certified Realtime Reporter, Certified
5 Shorthand Reporter (CA), Certified Court Reporter
6 (MO), Realtime Systems Administrator, and Notary
7 Public within and for the State of Missouri, do
8 hereby certify that the witness whose testimony
9 appears in the foregoing deposition was duly sworn
10 by me to testify to the truth and nothing but the
11 truth; that the testimony of said witness was taken
12 by stenographic means by me to the best of my
13 ability and thereafter reduced to print under my
14 direction.

15 I further certify that I am neither
16 attorney nor counsel nor related nor employed by any
17 of the parties to the action in which this
18 deposition was taken; further, that I am not a
19 relative or employee of any attorney or counsel
20 employed by the parties hereto or financially
21 interested in this action.

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Renée Combs Quinby, RMR, CRR, CCR #1291

A	217:21 active 75:6 81:15 81:17,19,25 82:9,13,15 84:3 84:4 86:21 92:22 145:2 actual 127:9 140:3 179:4 add 101:8 120:5 120:6 121:12 added 25:15 addition 38:12 98:25 205:9 additional 75:16 additions 36:21 address 13:15 115:21,23 121:6 174:12 174:15 176:25 178:25 179:4 addressed 152:14 addresses 109:22 121:7 adjoining 84:12 adjusted 172:9 Administrator 217:6 adult 161:14 162:1,11,15,16 162:19,25 164:6,14,19 advise 213:9 216:6 advised 141:22 184:16 advising 213:10 affect 35:15 94:6 94:7 95:1 afford 44:5 65:17 84:13,15 afforded 45:9 Affton 16:18 89:8 100:24,24 147:23 193:22 198:16 aforesaid 9:3	afraid 50:5 African 131:25 African-American 132:1 afternoon 19:13 19:23 136:16 139:11 142:18 afternoons 27:15 88:16,17 age 9:1 agencies 84:9,9 84:12 agency 84:15 121:16 aggressive 125:13 ago 12:15 13:14 54:10 80:19 145:21 agree 37:8 79:12 79:16,19 126:14,16 176:3,5 178:12 AGREED 7:2 agreement 7:8 ahead 8:14 37:4 39:16 44:14 60:1 70:10 95:25 96:21 103:22 105:3 105:16 146:14 157:8 194:21 195:14 ahold 53:20 al 1:4,7 4:4,7 7:17,18 advising 213:10 affect 35:15 94:6 94:7 95:1 afford 44:5 65:17 84:13,15 afforded 45:9 Affton 16:18 89:8 100:24,24 147:23 193:22 198:16 aforesaid 9:3	alleged 161:11 162:20,25 189:12,24 191:24 197:23 alleges 188:5 191:9,18 196:16 198:2 203:18 204:22 123:5 age 9:1 agencies 84:9,9 84:12 agency 84:15 121:16 aggressive 125:13 ago 12:15 13:14 54:10 80:19 145:21 agree 37:8 79:12 79:16,19 126:14,16 176:3,5 178:12 AGREED 7:2 agreement 7:8 ahead 8:14 37:4 39:16 44:14 60:1 70:10 95:25 96:21 103:22 105:3 105:16 146:14 157:8 194:21 195:14 ahold 53:20 al 1:4,7 4:4,7 7:17,18 allegation 45:10 48:9,12,13 153:1 161:17 163:8 166:3,4 166:22 169:21 170:22 allegations 127:21,25 161:6 169:25 185:4 205:23 allege 164:18	196:18 answered 31:19 44:14 59:22,23 69:8 79:24 80:16 97:23 103:21,22 118:7 126:22 130:15 139:10 144:10 146:14 171:11 172:1 180:7 190:13 198:24 208:12 answering 133:21 answers 9:23 10:16 141:3 anybody 38:17 38:18 100:10 anyone's 145:10 anyway 103:22 164:8,17 169:9 180:16 186:9 186:21 216:8 apiece 12:21,22 apparent 131:22 131:24 174:20 175:23 183:14 183:24 207:25 apparently 204:25 appear 74:15 145:9 149:25 154:24 183:12 183:23 187:23 197:20 201:3 203:24 204:3,7 appeared 189:1,5 203:19 205:11 206:17 appears 217:9 application 46:25 52:24 72:19 78:4 109:6 applied 72:22 80:20 apply 74:24
----------	---	--	--	--

75:19 79:6	52:1 54:21 62:1	103:22 129:10	138:6 156:23	a.m 1:15 7:11,15
92:15	63:2 68:15	130:19 133:7	159:9 197:10	19:4,23 119:6
applying 44:8	69:15,20 70:6,6	144:10 146:13	205:18,20	120:19,24
appreciate 89:12	70:12,13 72:12	155:9,12	206:4	122:18 134:13
appropriate	73:14 79:5,6,8	169:20,24	assumes 96:20	181:3
69:15 102:15	79:14,21 80:5	171:10 172:1	145:16	
114:13 135:18	81:7,13 82:10	180:6 187:9	assuming 192:21	B
137:14	83:20 85:17	190:12 198:17	205:14	B 99:4 202:17
approval 33:14	88:21 91:18	198:22 199:20	attached 3:7 73:7	203:2,12
34:8,9 46:9	138:12 149:14	201:9 206:11	attaches 3:2	205:17
99:13 101:15	187:4 188:6,12	207:5 208:11	151:21	back 15:21 19:15
101:19 102:2	199:25 202:6	211:8 214:8,16	attacked 161:14	21:7 26:6 33:24
136:1,3,4	arrested 44:3,11	asking 9:16	162:1,11,15,17	40:4 41:2 44:15
approve 136:5	44:20 45:1 69:5	40:15 66:5,8	164:6,14	44:21 54:9
137:8,15	69:12 70:17	69:12 80:12	attempt 192:1	55:21 60:14
approved 52:23	71:22 72:8,16	94:20 96:14	attempted	66:19 74:18
99:14 135:13	72:17,18 80:9	104:21 137:15	138:21	83:24 84:24
136:6	80:14,24 81:6	152:16 184:20	attempting 92:15	90:2 92:18
approving 99:17	86:16,24 87:18	aspect 56:5	attempts 53:12	96:16 103:14
approximately	87:22 88:2,8	150:18	196:8	104:18 106:8
7:15 12:15,20	91:7 92:6	assault 25:16	attention 134:22	124:3 125:18
13:14 24:10	111:20 112:13	50:25 57:6	attorney 46:21	129:22 132:21
28:4,4 74:11	113:15 143:11	91:25 127:20	66:16 141:5	135:24 138:25
181:2	149:2 193:8	128:22 129:13	143:6 144:8,21	141:20 145:25
ArchCity 3:3 5:5	arresting 69:17	131:15 141:24	149:13 158:6	147:23 148:21
8:10 151:21	69:19 81:10	172:5,12,17	158:16 200:17	160:9 185:3,10
152:7	85:7	176:5,7,8	206:4,17	191:3 193:9
area 21:15 54:15	arrival 181:16	177:16 181:4,7	217:16,19	198:16 212:8
72:24 90:25	arrive 53:23	181:10 185:2,4	attorneys 8:1	214:10
115:6,13	122:18 163:4	186:5,16 190:9	203:24	background
118:16 122:15	172:24	202:2,7 211:2,5	Attorney's 44:9	15:21 22:17
128:2 130:11	arrived 73:25	211:10,11,15	45:13 46:12	29:3
130:13 138:21	118:15 120:23	assaulted 48:13	55:1,2 56:19	bad 92:3 124:10
154:15	123:8 162:19	48:23 53:22	74:20 75:10,22	bald 112:15
areas 24:18	163:11 165:15	80:3 126:3,7	authority 189:25	barrier 212:17
argument 59:14	173:13	assaulting	190:2	212:20,22
argumentative	arrives 89:19	126:10	Automated	213:5,9
63:23 129:25	ascertain 74:5	assaults 25:15	51:18	barriers 213:10
145:17 149:16	aside 12:13 13:7	211:6	automatically	based 49:8 60:7
154:1 155:7,11	24:18 28:11	assigned 20:21	122:15	74:9 82:10,12
157:7	39:2 92:20	27:6	Avenue 5:11 6:3	92:12 127:17
army 16:4,9	132:6	assignment	avoid 116:14	156:8,8 212:6
arrange 191:20	asked 13:21,24	16:18	aware 81:18	214:12 215:18
192:1	31:19 42:23	assist 73:17	87:17,21 91:2	215:23 216:1
Arras 107:8	59:21 69:8,11	assistance 173:23	93:12 151:13	basement 90:13
arrest 45:4,19,23	79:24 80:15	assisting 122:2	151:16 191:7	basic 20:9
46:7,25 47:12	97:23 103:20	assume 137:19	191:13 206:20	basically 17:23

20:7 21:22,24 21:25 25:19 26:25 33:12 34:19 39:11 46:14 48:21 51:8 54:18 68:20 93:20 124:19 154:14 162:24 basis 69:15 81:7 81:10 96:13 106:23 107:4 142:1 162:20 Bates 2:11,14,17 2:19,22,24 29:24 30:2 31:9 76:3 77:18 119:17 131:20 155:21 160:16 bathroom 84:19 beat 122:14 beats 122:14 began 182:6,22 beginning 1:15 17:2 38:23 51:20 begun 32:21,21 behalf 4:13 8:5 8:12 203:19 Behlmann 107:5 belief 95:20 96:15 believe 20:25 21:7 23:4,24 32:25 33:5,17 41:23 44:11,19 44:25 49:6 50:24 56:6 60:22 61:11,20 69:10 96:9 97:24 119:15 132:9 141:23 142:20 145:20 146:1 160:23 170:9 175:5,19 187:3,7 189:20 190:8 195:17	196:3 202:23 211:3 believed 190:8 Belmar 1:7 4:7 7:18 8:20 15:11 belonged 214:23 Bement 107:5 bench 145:8 Berardi 107:5 berated 185:9 best 9:19 10:9 56:20 63:14,16 194:11 217:12 better 56:16 57:22 60:20 97:1 beyond 215:19 215:23 bickering 124:9 124:10 big 93:20 94:4,24 95:21 96:6 115:13 178:13 bigger 91:21 birth 110:5 birthdate 114:1 birthday 110:7 bit 16:2 21:19 89:11 102:21 120:13 132:3 157:15 161:5 183:7 black 73:1,2,3 173:19 Blake 3:2 5:4 8:9 107:8 141:8 151:20 152:7 188:18 191:12 191:14 blood 132:3 175:3 blue 59:11,13 blue-green 59:12 Boenever 107:7 bold 37:24,25 38:2 99:4 bolded 36:18	37:6,10,23 bonds 74:7 book 75:16 booked 85:22 147:4 booking 70:2 187:21 bottom 76:20 135:25 bound 10:10 70:13 boyfriend 211:18 Brannan 107:7 break 10:25 11:1 14:12 19:11 39:11 55:14,24 84:19 85:1 104:9 160:3,4 182:8 184:16 breaking 195:6 bring 132:20 137:8 145:12 145:22,22 146:5,5,12 185:23 bringing 154:11 205:6 brings 26:9 Britney 5:16 8:11 Broadway 5:17 broke 125:16 broken 21:10 131:14 brother 71:13,14 124:20,22,23 brought 44:3 101:7 104:24 126:9 146:19 188:17 207:12 212:11 bstrode@arch... 5:7 building 19:4 business 53:17 206:15 bwilson@ccrju... 5:18	B(1)(a) 99:5 B(1)(b) 38:11 <hr/> C C 5:1 7:11 CA 4:18 6:13 217:5 cab 164:11,13 212:11,13,16 212:16 CAD 171:12,15 171:17 172:12 CAD-generated 172:7 cafeteria 19:5 call 19:25 22:1 29:1 43:16 50:15 51:16,19 52:15,16 81:16 82:5 85:10 88:18,22 89:1,3 118:14 119:7 120:21 134:21 141:2,12 165:13,19 166:15,19 167:6 171:7,17 171:20,21 172:8 175:9,11 175:13 181:8 187:19 194:6,8 194:12,13,13 196:1,4,6,13 210:20,25 211:5,13 212:20,24 213:2,8,12,15 called 56:2 114:3 120:17 141:16 166:5,23 172:17 175:16 175:19 193:9 194:13 201:11 202:2 212:19 212:19,23 213:1,3,7,16 caller 131:9	calling 89:5 158:9 calls 20:1 37:1 40:22 66:4 96:11 153:24 188:18 cancel 65:3,5 93:3 113:15 canceled 31:1,23 43:14,15 71:22 74:18 154:5 189:3,8 198:11 198:13,14,15 cancels 30:12 43:17 canvass 128:2 130:13 179:25 180:3 canvassed 134:3 134:12 canvassing 130:11 134:3 capacity 8:20 122:4 captain 151:6,8 151:14 152:11 152:11,15 153:8,11 159:5 captains 159:11 car 21:25 54:16 64:22,23 112:1 115:5 125:18 139:5 care 38:7 43:16 51:16,17 52:3 53:5,9 54:10 89:1,4,4 99:15 99:18 136:5 138:2 148:12 209:17 career 70:20 carry 91:23 cars 122:7,8 case 7:18 9:3 11:13,16,18,19 14:20 15:12,15 25:19 38:3,5,6
---	--	---	--	---

42:4,6,17 47:19 50:17 52:20 56:1 58:16 63:7 63:8,11,15,16 67:5 70:15 71:18 72:6 77:22 82:14 86:4,17,21 88:1 90:7 93:7 99:8 99:9,11,14 101:10 102:22 102:23 103:5 104:24 111:15 111:17 117:6 121:11 137:5 148:22 158:20 188:8,10 204:13,23 cases 45:8 46:1 55:3 72:15 90:5 90:22,23,24 91:2,6,13,22 92:21 117:21 121:9 137:5 150:23,24 151:4 case-specific 104:8,12 cash-only 74:7 cash-onlys 74:13 cause 33:8 34:1,5 38:4,13 41:20 41:22,23 49:7 49:15 50:7,24 51:7 58:12,15 58:15 60:20,21 61:1,9,10,17,20 62:2,5,18,24 64:14 66:22 68:12 74:22,24 80:2 92:24 99:9 103:9 104:25 105:1,15,19,22 141:23 142:2 145:13 186:5 187:4,9 188:11 189:20 190:8	190:22 199:24 199:24 215:18 215:23 caused 169:17 causes 117:22 causing 69:25 91:1 caution 73:15 CCR 6:14 217:25 cell 125:20,20 133:15 162:14 162:21 163:1 164:20,24 166:6,11,14,23 167:2,6,7,9,11 167:11,13 169:7,21,25 179:16 184:10 184:22 185:23 186:10 208:8 212:7 214:10 214:11,19 center 5:16 7:22 8:12 128:16 144:6 148:25 149:3,7 150:1,2 150:6 158:6,16 Central 6:3 157:25 196:5,9 certain 25:25 26:2 72:17 75:1 75:2,3 113:3,4 113:6 129:2 159:4 212:2 certainly 138:16 164:18 CERTIFICATE 217:1 certification 20:10 Certified 4:16,17 4:18 7:5 217:4 217:4,5 certify 217:8,15 chain 159:6 chamilton@pa... 5:14	chance 31:13 91:19 121:10 152:19 164:14 204:11 change 18:16 35:24 36:14,15 37:25 38:2,19 38:25 93:18 95:4 96:25 97:2 100:4,10 changed 25:11 25:15,16,17 29:4 35:12,18 41:15 94:6 96:23 101:5 184:14 changes 9:25 25:12,14,14 35:15 36:21 37:8 38:19,25 93:20 94:4,5,9 94:24 95:6,8,15 95:20,22 96:6,8 96:9 97:25 98:19,22,24 99:1 216:5 changing 36:11 charge 27:1 51:24 charges 57:9 75:6,14,17 126:3 154:24 177:16 202:25 203:7 charging 204:24 Charles 5:10 8:6 check 84:1,2 92:21 115:11 150:16 178:4 checking 108:13 checkmark 173:23 174:3 180:1 Chief 8:20 15:11 child 57:9 126:6 164:15 children 182:3	211:13 Chris 8:18 Christmas 24:11 24:15 26:14 51:9 Christopher 1:11 4:11 7:16 8:25 9:12 23:17,21 23:25 24:2 216:19 chronological 171:24 circling 92:18 circumstances 86:16 117:18 205:10 City 4:15 209:24 civil 28:9 claimed 71:12 claims 12:1 clarification 45:11 class 19:12 25:1 25:2 32:10 131:22 174:19 classes 16:4 19:10 25:25 26:2 98:20 classified 211:14 classroom 24:24 25:6 Clayton 6:3 85:18,19 154:13 193:9 200:22 clear 26:4 29:22 50:15 196:13 clearcut 57:25 cleared 52:20,20 134:17 clearly 61:17 Clements 8:19 14:23 clerk 53:5 209:17 click 110:23 client 141:15 149:7 203:25 close 83:12	139:17 closer 28:1 194:2 194:4 code 115:3,16,18 115:19,22 codefendants 12:2 codes 73:16 colleagues 8:5,7 159:24 collect 13:21,24 college 15:25 16:3,8 18:3 colloquy 183:17 183:21 color 73:1 Columbia 209:25 column 139:21 Combs 4:16 6:13 7:5 217:3,25 come 13:20 19:8 19:15 35:11 60:25 83:12 84:17 85:12 86:20 89:3,4,9 89:16 103:14 116:23 141:4 141:20 146:22 150:2 165:19 174:1 181:11 185:3 188:8 193:9 194:7 199:3,20 200:22 comes 127:24 172:8 comfortable 39:3 40:2 coming 9:16 30:19,23 51:1 86:5,10 93:20 132:6 154:14 196:12 command 159:6 comment 158:21 158:24 159:1,3 209:1,4
--	---	---	--	---

commit 157:22 157:24	concludes 216:18 conclusion 168:15 conduct 54:14,18 64:17 83:23 conducted 72:19 96:7 confirm 82:9 138:7 143:14 151:1 conflict 162:20 confronted 79:2 confused 116:15 confusing 9:18 42:12 116:14 116:17 conjecture 37:2 66:4 96:12 153:25 connecting 102:22 105:23 connection 11:13 13:5,22 18:2 93:14 94:13 95:16 97:20 109:14 119:16 150:24 connections 91:14 consent 7:8 consider 178:19 208:6,9 considered 20:23 25:20 170:14 170:15 176:4,5 considering 23:2 154:17 consisted 97:17 constant 35:1 constantly 35:2 91:1 96:25 constitutional 5:16 8:12 26:1 61:7 consuming 89:10 contact 38:7 52:1 53:12 54:5	88:11 89:15,19 90:11 99:15 137:21 141:1,5 141:7 181:17 184:9 contacted 154:10 154:19 191:19 191:25 contain 111:9 112:6 131:13 contains 29:24 76:2 112:19,21 continue 11:10 58:13 64:5 102:25 continued 185:11 25:24 28:25 29:1,5 184:13 continuing 16:5 170:11,16,23 29:1,5 184:13 conversation 143:2 conversations 143:5 copied 3:7 copies 3:7 copy 14:18 29:17 31:12 160:21 connections 91:14 consent 7:8 consider 178:19 208:6,9 considered 20:23 25:20 170:14 170:15 176:4,5 considering 23:2 154:17 consisted 97:17 constant 35:1 constantly 35:2 91:1 96:25 constitutional 5:16 8:12 26:1 61:7 consuming 89:10 contact 38:7 52:1 53:12 54:5	123:2 128:6 131:16 139:8 143:7,8 144:18 145:15,23 146:12 147:7 149:22 157:5 161:23 162:4,7 162:22,24 163:5,6,21,24 164:2,9,21 165:13,16,17 165:19,20,23 166:1,24,25 167:3,7,15,18 167:21 168:2,3 168:6,7,22 169:3 170:1,4 170:11,16,23 171:20,25 172:14,18,22 172:25 173:3,7 173:10,15,18 174:8,13,16,20 175:4,6,10,19 176:1,10,14,23 177:1,3,9,13,14 177:20 178:6 179:14,16 180:1,5,19,22 181:5,12 182:25 183:5 184:8 186:13 186:19,23 187:1,10 188:13,15,19 188:23 189:3,8 189:9,21 191:4 192:9,12,14,18 193:19,22 197:13,21,21 197:25 198:1 198:13,20,24 199:5,6,21 200:1,9,14,17 200:24 201:4 202:8,11,15 203:3,8,13	204:8,21 205:12,15,18 206:21 208:24 209:17 210:2,4 210:18,19 211:24 212:8,9 215:1,2 corrections 216:6,12 correctly 38:9 79:8 99:18 114:18 129:5 133:17 179:3 179:11 181:21 182:1 correspondence 14:19 corresponds 73:1 Costa 107:5 counsel 7:3,3,8 11:5,7 145:12 151:14 191:10 191:11,15,19 191:25 193:13 196:8,17 197:16 203:19 205:2 206:14 217:16,19 Counselor 44:8 46:20 52:23 55:7 56:7,19,22 57:8 58:9 65:13 107:13 156:20 202:22 203:2 Counselors 55:11 counselor's 6:2 13:2 45:6 46:11 56:3,10,23 57:2 57:13 58:20 60:6 61:21,25 62:12 63:3 64:7 75:21 county 6:2 8:21 13:2,18 15:3 16:21,24 17:25 18:5,8 20:12
--------------------------------	--	---	--	---

22:7,12 24:19	206:5,17	D	71:17 90:1	152:7
32:11,12 34:23	208:19 217:5	D 7:11 129:2	103:7 119:5	defer 159:23
35:14 37:15,16	cover 32:8,9	133:13,16	120:1,20 122:1	define 60:21
37:18 44:8 45:6	76:10 156:6	182:7,24	122:17 134:9	85:25
46:11,20 52:22	co-workers	184:10,13	135:1 139:6,12	definition 60:19
54:12 55:7,11	100:22	186:10,11	140:8 141:16	61:1,9
56:6,18,22,23	cracked 131:7	212:3 213:18	141:19 142:17	DEFRFP 2:25
57:1,8,12 58:8	create 120:3	dad 125:20 131:3	143:1 144:15	119:17
58:20 60:6	credit 16:3	167:24 169:11	146:21,25	DEFRFP1
61:21,25 62:11	Cricket 179:18	185:16,18,22	147:19 154:10	155:22
63:3 64:7 65:13	crime 38:5 41:24	215:4	154:16 155:3,4	DEFRFP10000...
74:12,17 75:20	60:23 83:8,15	dad's 125:19	155:17 183:8	3:5
82:1,4,5 84:11	99:10	215:5	183:12 189:1,3	DEFRFP234
89:9 93:14 96:7	CrimeMATRIX	daily 106:23	189:6,6 192:25	31:9 77:18
107:13 109:5	109:4,10,13,23	114:20	193:18 194:1	DEFRFP23400...
111:5 114:6,8	110:12,13	danger 79:4	194:12 196:2	2:18
118:6 138:16	111:2,4,7,20,22	187:21	197:11 198:13	DEFRFP23400...
147:23 149:8	112:9,10,21,24	dangerous 74:7	198:14 207:20	2:23
154:15 156:20	113:12 114:25	187:20,22	days 27:7,12,16	DEF-RFP234
166:5 173:3	115:4	darker 132:3	88:15 136:10	29:25 30:3 76:4
193:25 194:3,4	crimes 57:1,4,5	darker-colored	137:25 189:7	DEF-RFP2340...
202:22 203:2	57:11,11	132:2	192:8,11	2:12
203:20	crisis 24:25	data 111:6	DCI 38:7,7 99:15	DEF-RFP2340...
County's 112:11	critical 209:3,8,9	135:25	deal 55:10	2:15
193:13	crossed 138:4	database 109:24	dealing 55:3	DEF-RFP2340...
couple 8:7 24:23	CRR 6:13 217:25	110:13 111:9	dealt 68:3	2:20
76:12 119:18	crucial 97:3	date 7:14 72:5	December 24:21	degree 176:8
134:9 138:22	CSR 6:13	77:13 97:3,5	147:21,22	delaying 79:5
142:21	Curcuru 23:12	98:4 110:5	149:21 153:20	deliberately
course 45:21	24:6 107:6	120:14 151:22	154:9 156:2	199:17
78:20 206:15	158:7,9,10,12	203:24 204:2,6	158:17 159:20	deliver 191:20
courses 16:9	158:18 197:14	204:8 206:2	193:14 195:20	192:2,4
19:16 25:22	curious 198:5	208:19	198:23	demonstrate
26:5 93:25	current 17:4,15	dated 2:10,13,16	189:25	189:25
court 1:1 3:6 4:1	99:6 112:12,21	2:21 3:5 29:23	denial 133:24	denied 133:13,16
4:17 6:12 7:6	112:22 115:3	30:1,10,15 31:8	63:15 122:11	186:11
7:19 8:22 10:6	custodial 47:12	31:8 32:1 76:15	deem 54:4	denote 110:13
10:14 13:3,3	149:14	77:17 136:8	defect 205:16,19	denying 133:20
41:1,11 55:10	custody 45:1	dates 24:23	defects 205:25	department
65:14 72:4,5	72:20 79:7,13	192:22	defend 124:21	14:25 16:21
74:15 145:8	79:20 80:4	date/time 120:19	defendant 11:16	24:20 25:18
154:24 156:7	86:15 88:12	139:20	15:9,17 157:16	29:20 32:10,17
156:20 174:6	90:15 149:8	David 6:8 7:24	defendants 1:8	
187:5,23	197:18	day 10:24 19:1,9	4:8 6:1 7:4 15:5	37:15 40:1
197:20 201:4	cut 114:11	19:12,14,20	188:7	62:16 76:1,15
203:20,24	C-u-r-c-u-r-u	20:3 25:3 27:2	Defenders 3:3	77:6,22 93:13
204:3 205:24	23:14	27:8 52:12	5:5 8:10 151:21	94:6,18 95:3

99:2 100:14	determined 38:4	118:13,14	211:19	123:18,19
107:21 109:4	50:7,23 89:14	165:16 175:15	door 54:1,18	125:22 127:24
120:18 135:21	92:20 99:9	dispatcher	64:22,24 68:17	128:17 141:13
166:5 179:8	188:11	172:17	139:4 140:16	143:13 162:13
Departmental	difference 17:3,8	disposition	177:12,12	177:20 181:24
77:17	34:6 58:3 62:14	176:13	doors 130:14	182:13,25
departments	differences 21:13	dispute 127:18	132:5 170:10	184:6,14,16
93:19 95:3	59:10 116:8	127:19 153:7	171:1	185:24 186:1
department's	different 21:2,3,6	164:25 206:18	DOR 109:2,3,7	189:14 190:1
82:2	21:11 26:2	208:10	111:9 116:20	190:18
departure	69:19 79:24	distance 196:12	178:6 179:6,8	Dwayne's 127:25
161:12	82:2 113:3	distinguish 68:6	dots 102:22	E
depended 27:8	126:13,13	distracted 41:10	105:24	E 5:1,1 6:2 7:11
depending 19:12	129:7 211:18	District 1:1,2 4:1	dotted 138:4	7:11 98:25
91:21	differently 157:7	4:2 7:19,20	doubt 67:24 68:2	earlier 47:25
Depends 150:13	difficult 212:17	disturbance	216:8	57:18 61:20
deployed 15:25	Digital 97:12	75:13	downright	64:15 69:10
deposed 12:4	diner 91:17	Division 1:2 4:2	116:14	82:17 90:1
deposes 9:3	directed 79:22	154:24 203:20	draft 120:2	92:19 95:6
deposition 1:10	direction 217:14	document 29:7	drafted 156:4	97:14 101:14
4:11 7:4,16,21	directive 62:11	30:15 31:14,16	drill 216:3	106:15 107:19
10:17 12:5,9	directly 15:25	61:5 76:1,3	drive 54:17 64:21	113:19 117:19
206:12 207:7	105:10	77:13,24	driver 73:6,7,8	118:25 120:14
216:4,14,19	directs 56:7,11	119:22 120:2,3	73:11 74:2,4	137:20 138:25
217:9,18	56:13	155:23 156:5	164:11,13	140:21 141:19
depth 39:21	dirty 92:7,8	156:12,19	212:11,14,16	142:21 144:15
describe 64:19	disagreed 103:8	157:15 204:24	driver's 109:8	147:6 154:10
71:6 202:1	discard 52:11	206:20 207:3	114:6 178:5	159:13 162:21
described 127:6	disclose 124:1	207:18	drive-off 75:12	167:1,16
156:11 210:17	discretion 93:5,6	documents 12:23	91:4	168:21 170:9
description 71:9	discuss 14:5	13:8,10,11,21	driving 21:25	175:3 184:19
71:18 83:12	150:23 151:10	29:16 30:4 35:8	drop 88:24	192:8 194:12
175:22,24	discussed 55:24	77:19 206:11	drove 134:9	206:10 209:2
designated 188:6	200:16 202:3	207:6	140:13	212:5
designee 99:12	discussing	Doe 44:24,25	drug 57:9 75:12	early 18:21
despite 149:12	105:14 191:3	48:9,11 50:8,23	dry 58:1	easier 192:13
detail 64:19	204:23	50:24 51:1,23	DSN 99:16 101:8	Eastern 1:2,2 4:2
details 51:13	discussion 83:24	53:10,11,12,22	120:9	4:2 7:19
detained 89:20	104:16 151:23	Doell 6:8 7:24	due 9:21	easy 98:21
90:15,18	205:3	doing 12:6 19:25	duly 9:1 217:9	Ed 8:10
detective 14:22	dismissal 206:16	95:5 126:5	duplicating	education 15:23
14:24	dispatch 48:8	199:2	160:23	16:5 25:24 29:5
determination	120:5,19 122:8	DOJ 94:16,17	duty 16:18 86:5	Edward 5:4
215:18,22	171:21 172:13	95:12 108:5	147:7,9,10,11	effect 30:20,23
determine	172:21 181:11	domestic 25:14	147:24	32:3 33:9,11,19
102:24 112:17	196:3 210:24	25:16 57:6	Dwayne 1:4 4:4	34:2 51:1 77:24
113:22 114:15	dispatched	98:24,25	15:14 123:4,11	

79:20 100:4,5 102:10,12 103:16 104:2 176:19 212:22 214:9 effected 81:12 effecting 79:7 Effective 77:8 egrossman@p... 5:13 ehall@archcit... 5:7 eight 78:11,12,22 79:1 86:6,10 either 18:5 44:6 52:21,21 57:15 58:14 65:5,20 82:9 113:21 128:3 148:9 168:10 187:4 187:19 211:1,1 216:14 elaborate 124:5 124:11 130:8 elect 92:14 electronic 191:16 element 164:19 Elizabeth 5:9 8:6 email 3:1 13:15 14:5,8,9,13 151:20 emails 13:25 Emily 136:18,19 employed 217:16 217:20 employee 16:25 17:1,4,8,19 18:1,8 217:19 employees 13:18 111:5 encounter 68:14 91:19 113:20 114:14 140:18 150:9,15 encountered 70:25 89:13 encountering	92:19 138:13 encounters 91:9 encouraged 79:6 endangering 57:8 ended 205:8 enforcement 37:18 94:7,7 95:2 126:14 enrollment 18:3 enter 19:4 44:18 44:24 48:10 49:12 50:8,11 50:25 51:7,8 54:6,11 59:17 59:20 61:22 62:18 64:12,16 66:17 79:16,19 80:7,13 81:23 102:8,14,16 103:2,19 104:4 104:22 105:3 105:15,16,20 113:20 114:14 115:18 134:24 203:25 204:1 entered 16:9 52:25 63:20 70:19 80:20 101:16,20 102:1 103:6 108:1 115:23 134:6,8 138:11 139:11,13,17 139:19,20,25 140:2,5,7,10 142:9 143:10 204:11 210:3 entering 41:25 42:2 47:11 48:1 48:4 49:11 53:13 54:1 62:15 65:20 67:6 74:23 79:12 102:13 103:17 139:3,7 151:19 155:21 90:8 98:21 113:10 116:25 126:4 127:20 139:19 183:4,4 211:25 EXAMINATI... 2:4,5,6,7,8 9:7 160:11 210:8 214:5 215:15 examined 4:12 example 109:20 178:5 179:6 209:23 excitable 183:7 183:11 excluded 114:8 excuse 16:23 23:22 27:21 29:25 30:9 32:21 38:7 52:17 64:15 66:1 75:25 76:23 130:3 144:17 145:19 158:7,8 160:18 193:10 excused 216:22 exercise 143:25 144:5 190:6 200:22 exercised 144:22 exercises 196:25 exercising 190:2 196:20 exhibit 2:10,13 2:16,19,21,24 3:1,4 29:19,21 29:23 30:1,10 31:7,10,24 32:2 34:16 36:17 37:14 51:1 76:1 76:5,24 77:14 77:16 78:5,9,16 78:17 97:15,19 99:3 119:17,19 151:19,24 152:4,4 155:18 155:21 160:15 160:20,22,25 161:8 171:4 188:4 191:14 201:9,22,24 206:13 207:4 211:4 213:17 exhibits 2:9 3:6	214:5 215:15 examined 4:12 example 109:20 178:5 179:6 209:23 excitable 183:7 183:11 excluded 114:8 excuse 16:23 23:22 27:21 29:25 30:9 32:21 38:7 52:17 64:15 66:1 75:25 76:23 130:3 144:17 145:19 158:7,8 160:18 193:10 excused 216:22 exercise 143:25 144:5 190:6 200:22 exercised 144:22 exercises 196:25 exercising 190:2 196:20 exhibit 2:10,13 2:16,19,21,24 3:1,4 29:19,21 29:23 30:1,10 31:7,10,24 32:2 34:16 36:17 37:14 51:1 76:1 76:5,24 77:14 77:16 78:5,9,16 78:17 97:15,19 99:3 119:17,19 151:19,24 152:4,4 155:18 155:21 160:15 160:20,22,25 161:8 171:4 188:4 191:14 201:9,22,24 206:13 207:4 211:4 213:17 exhibits 2:9 3:6	29:11,12 32:24 160:24 exist 86:17 112:6 exists 38:4 79:3 99:9 exited 73:21,23 expect 21:21 35:3 expected 34:22 experience 37:18 92:12 102:21 156:25 experienced 88:9 experiences 82:19 explain 40:6 110:3 169:16 179:1 184:24 192:18 explained 129:3 146:20 147:13 181:23 182:24 explaining 105:23 explicitly 162:16 extend 101:10 extent 61:18 extra 84:17 extradition 84:10 138:15 eye 214:18 eyewitness 49:4,9 187:1 214:13 215:19,24	<hr/> F face 139:24 face-to-face 50:16 65:9 66:6 68:10 143:17 fact 131:19 166:22 192:7 199:19 211:20 facts 23:2 66:3 96:20 99:11 145:16 failure 145:9 fair 11:2 167:14
--	---	---	--	---

176:19 184:7	23:10,15,20,23	78:19 83:11,21	focusing 55:25	75:23 95:12
188:21 194:3	23:24 24:3,5,5	115:8 134:4,20	follow 37:20	133:9,10 136:9
fairly 151:4	24:8,16 26:6,11	138:18 141:14	following 70:4,24	137:24 138:20
faith 187:7	26:23,24 27:14	finding 65:7	96:5 156:1	frame 154:12
fall 117:25 159:5	28:24 29:2	154:17	157:16	framed 68:25
falsely 73:10	34:25 35:1	fine 64:3	follows 9:5	Franklin 84:11
74:4	38:24 39:5,6,7	fine-tune 39:11	follow-up 64:17	frequently 96:23
familiar 14:22	39:7,11,13	fine-tuning 39:14	65:2,21 68:13	100:20
15:14 53:11	40:12 49:24,25	finish 26:5	83:23 195:10	frequents 112:11
108:7 116:3	50:1 51:4,5,6	126:22 194:18	follow-ups 54:14	friend 67:14
119:8 139:2	61:2 97:21	195:5,9	54:19 210:10	friends 92:2,8
143:19 150:20	118:24 119:1	finished 26:10	foot 178:11	107:16
150:21	121:23,24	29:2 134:2	force 183:3	front 10:5 12:11
family 100:22	135:6,7,8 148:3	firm 8:4	foregoing 217:9	67:9,18 69:16
128:3	159:9,17 173:9	first 9:1 19:7	forgot 144:13	69:22 143:14
far 27:7 69:21	173:13,15	20:21,22 21:14	form 36:25 40:21	184:12
194:2 204:19	180:10,18,22	37:14 45:17	42:12 53:3	full 9:23 64:1
fault 50:20 58:18	190:24 191:2,6	46:6,16 47:16	79:7,13,20 80:4	
145:10	196:10 197:10	49:20 50:4 54:2	133:14 136:9	
fears 126:14	197:12	54:23 57:6,14	193:18	
February 1:12	Fifth 142:14	62:21 76:11	fully 191:6	
4:13 7:14	143:19 144:5	120:7,8 125:24	Furlow 1:4 3:4	
203:18	144:22 147:15	130:25 135:24	4:4 7:17 13:1,4	
feel 69:12 105:18	196:20,25	136:17 139:21	14:6,14 15:14	
feels 126:24	fight 92:1 118:13	141:11,11	15:17 23:4	
fellow 136:14	119:8 127:9	148:8,14 150:2	117:18,25	
felonies 56:25	128:21 129:12	150:7 151:8	123:4,5,5,11,11	
98:25	175:16 184:16	152:12 153:8	123:18,19,23	
felony 73:12,15	185:6 211:2,11	160:19,25	124:22 125:12	
74:3 75:5,6,8,9	214:21,21	161:10 169:7	125:19,22	
115:12,14	fighting 123:21	176:8 184:11	128:22 129:2,3	
felt 25:9 69:11	125:4,8,12	188:3 191:15	129:13,16,18	
141:16	182:6 184:13	191:15 193:11	129:21 130:3,6	
female 73:9,21	186:17 211:14	195:9 196:13	130:18,20,23	
73:23 132:1,1	Fights 211:6	203:24 204:25	130:23 132:22	
161:14 162:1	figure 63:18	208:19	133:13,16	
162:11,15,17	139:19 185:5,9	five 20:25 22:22	134:4,20	
162:19,25	filed 152:6 161:1	29:25 110:16	135:14 138:11	
164:6,14,19	filings 28:11	five-mile 114:24	74:20	
178:19	fill 216:12	fled 73:23 75:8	138:19 141:4,7	
Ferguson 93:14	film 214:21	125:13 168:13	Fosdick 107:7	
94:18 95:2	Final 136:4	flip 131:6	141:13,18	
100:13 101:6	finally 104:11,13	Floor 5:17	142:12 143:3	
field 18:18 20:7	200:21,22	focus 134:22	143:11,13,22	
20:10,15,16,19	financially	focused 33:5,16	144:20 145:12	
20:20,21,22,23	217:20	34:13 81:9	four 20:20,24,25	
21:1,5,10,12,12	find 47:17,18	107:19	21:4,7,8,23	
			22:21 24:5,5,8	146:18 149:1
			30:22 32:5,20	149:14,24
				151:10 154:11

154:20,20	215:15 217:15	50:16 54:23	157:8 161:4	104:9 121:10
155:3,17 156:1	217:18	56:16 58:1,21	171:6,6 175:14	139:22 156:16
156:7 157:22	F'ing 127:15	59:13,14 63:12	176:18 177:15	171:24 187:7
157:24 158:3,5	130:21 133:4,8	80:10 85:10	187:9 191:3	213:10
158:15 159:20	133:21 185:8	88:18 136:9	194:21 195:14	gotten 169:3
162:14,20	186:7	139:21 146:9	goal 79:13,17,20	179:5
163:1,5 164:20		154:12 187:4	79:25 80:8,14	GPS 115:4
166:6,15,21,23	G	199:4,20	goatee 112:15	grabbed 214:19
167:17 168:5	G 7:11	205:21	goes 165:11	graduate 20:22
177:19 181:24	Garrison 5:11	given 16:18 69:6	going 15:21,25	26:19
181:24,25	Garry 121:2	83:13 138:12	16:25 18:1,2,4	graduated 15:22
182:5,6,7,7,13	128:14 138:24	153:15 156:15	18:22 19:15	16:17
182:14,24,25	173:2 174:15	156:18 169:7	26:6 29:10	graduating 16:1
184:6,10,10,14	181:4,18,25	199:3 214:13	43:21 45:3,23	Graf 107:5
184:14,16	gas 75:12 91:3	gives 57:24	46:6,14,16,19	grandson 90:3
186:11,11	150:19	174:12 177:22	47:13 52:24	great 213:5
187:4 188:9,12	gather 22:3	giving 46:2	57:15 58:20	green 59:13
188:22 189:14	53:23	Glasgow 118:17	59:7 60:6 61:21	Grossman 5:9
190:1,18	gear 19:6	118:18 134:18	65:8,11,13	8:6 76:7
191:19,20	general 2:10,13	glasses 125:16	67:12,15 73:18	ground 10:5
192:2 193:12	2:16,19,21	131:14	59:7 60:6 61:21	group 19:4 101:4
196:5,7,18,19	22:14 29:8,20	Glen 121:2	108:3 118:1	108:3 118:1
197:18,20	30:6,12 31:1,7	128:13 138:24	122:13	grown 133:25
198:18 199:8	31:22 32:7,9,16	173:2 174:15	209:4	209:4
199:11,14	34:4,24 35:2,18	181:4,18,25	guess 17:11	209:4
205:2,11	35:19 36:10	go 8:14 10:4,11	117:7 125:11	34:13 37:22
209:23 211:23	76:2,15 77:6,17	17:25 18:17,25	127:15 131:1	50:20 61:23
212:3,7 214:9	96:23,24 97:8,9	19:10 21:1,5,7	135:25 138:25	103:1 117:5
214:19,23	114:22	22:1,14 37:4	141:14,25	153:18 161:5
215:9	generally 178:8	39:16,20 43:23	142:16,16,18	178:5 182:25
Furlow's 123:19	188:5	44:14 46:6,10	146:5 147:15	197:16 205:1
128:17 130:7,9	generated 171:8	46:16 50:14	154:11 156:7	211:4
143:6 145:11	171:8,12,15,17	51:19 55:9	157:15 160:18	guidance 102:14
149:12 151:14	172:12	56:23,25 57:1,7	161:5 163:12	154:7
158:20 161:12	generic 211:16	57:12 59:15	185:6,10,12	guidelines 35:8
161:13,19	gentleman's	60:1 65:6 68:22	192:4 194:8,14	guilty 203:25
166:6,11,23	90:14	70:1,10 71:25	194:15,22	204:1,5,11,20
196:17 203:19	getting 59:1	72:4,5 73:14,20	195:6,17,20,21	guy 71:12 90:8
203:19 204:23	62:15 74:16	75:18 76:7 84:1	195:24 209:23	92:5 112:15
further 2:6,7,8	169:20	86:4,11 87:12	209:24 211:7	151:6 152:11
20:5 58:7 59:15	Gilyon 136:14,19	88:24 89:1	Gomez 27:19,20	153:8 159:5
65:6 72:7 126:8	136:21,22	90:13 95:25	27:22 160:14	guys 12:12 72:5
156:14,16,22	girlfriend 211:18	96:20 97:5,9	160:20,21,24	121:25
157:12 159:22	give 9:23 10:15	103:22 105:3	161:7 188:4	
202:11,14	10:20 24:14	105:16 145:8	191:13	
203:1 205:9,21	28:6 29:20 42:4	146:14 148:15	good 9:9,15	
210:8 214:5	42:4 46:6 48:1	148:21 154:23	49:15 63:7	H
				hair 112:16

Hake 107:5	harassed 182:4	hire 34:23	159:22 160:2	46:13 70:3 86:6
half 63:8,12,20	harassing 123:20	hired 16:25 17:1	160:10,16	86:11 87:15,19
63:24,25 64:10	hard 14:18	17:3,8,17,19,20	165:2 168:8,17	house 53:19
104:10	[REDACTED] 123:6	17:21,22,25	169:14,18	64:22 68:14,17
Hall 5:4 8:10	124:24,25	18:8,13,15,22	170:5,17	71:11,12,14,15
Hamilton 5:10	182:4,6	18:24 19:2,19	171:10 172:1	128:9,16 134:9
8:6	head 52:4 80:23	19:20	174:19 175:22	houses 130:15
hand 29:11 65:10	117:13 125:15	history 109:12	178:14,20,22	Hughes 2:5,7 6:2
77:12 130:18	132:2 135:15	hit 125:15	180:6,23	8:17,18 11:7
160:19 214:20	175:25 176:4	hold 18:9 92:13	181:14 182:11	12:10,14 13:8
214:22	178:19 196:14	92:14	182:17 183:15	14:8,16 17:5,7
handcuffs 71:25	208:8 210:17	holds 116:21	183:17,20	17:11 29:17,18
handed 125:19	headache 69:25	Holland 2:4,6,8	184:19 186:2	31:12,18 33:21
130:19,24	headed 196:15	5:9 8:3,4,14 9:8	187:14,24	36:1,5,25 39:15
167:2,6 184:22	heading 198:16	14:11 17:6,10	188:17 189:10	39:19 40:20,25
185:10,12,15	health 183:13	17:13 29:14,22	189:17 190:3	41:4,8 42:11,20
handling 100:3	184:2	31:12,21 33:23	190:12,20	42:25 43:3
hanging 90:12	hear 60:8 92:10	36:3,7 37:3	192:15 194:18	44:13 53:3
happen 10:10	97:2	39:17 40:8 41:6	195:2,8 196:23	55:15 59:21,25
22:5 46:14	heard 17:7 93:15	41:13 42:14,23	200:2,6,10,19	63:22 66:1,10
48:10 50:10	93:17 94:1	43:1,4 44:16	200:25 201:7	66:18 69:6 70:8
73:18 87:11	105:8 118:3	53:7 55:13,16	202:21 203:5,9	76:8,19,22,24
88:3 92:4 98:3	125:25 127:25	55:22 59:23	203:15 205:6	77:2,5,8,11
101:25 103:2	137:11,16,18	60:2,14,18 64:2	205:15 206:8	78:11,13,15,18
135:2 146:18	142:19 184:11	66:7,12,23 69:9	206:24 207:2,8	78:21,24 79:23
146:20 147:6	184:15 195:22	70:16 76:9,20	207:11,15,17	80:15 94:17
147:10 149:5	198:19	76:23 77:1,7,10	208:3,11,20	95:24 96:11,19
194:16,22	hearing 17:11	77:12,16 78:12	209:2,7 210:9	97:22 103:20
happened 16:15	107:20 194:24	78:20,25 80:6	211:12 214:3,8	104:11 105:4,7
20:2 23:4 42:5	hearsay 152:6	80:18 84:18,25	214:12 215:16	105:11 106:24
44:6 48:24	height 112:20	94:19,22 96:3	216:2	117:5 118:7
50:17 53:16	177:23 178:9	96:14 97:4 98:2	home 16:2 21:8	126:18,21,25
61:15,17 71:6,9	held 7:21 87:18	103:25 104:7	34:22 54:15	129:24 144:4,9
71:17,20,23	87:22	104:13,19	70:5,25 71:5	144:13 145:16
85:3 89:13 90:4	help 40:3 48:6	105:6,9,12	97:17 114:3	146:13 149:15
90:6,18 96:8	78:19 90:5	106:9 107:2,9	132:10,13	152:3,16,21,25
101:15 105:25	102:23 112:17	117:7 118:8	139:4 140:14	153:23 155:6
122:15,18	126:5	119:14,21	161:12	155:11,13
125:6,24 139:9	hereto 217:20	126:20,23	honestly 194:15	157:6 158:8
154:8 168:6,11	hey 84:13 85:10	127:2 130:1	honor 197:1	159:25 160:12
175:1 176:4	88:18 89:3 92:5	144:8,14	honored 200:23	160:18 165:3
189:2 195:19	145:7 147:14	145:18 146:16	hope 44:2	168:9,19
195:23 210:15	he'll 147:1	149:17 151:18	hopes 195:25	169:15,23
happening 91:2	hidden 117:1	152:1,9,18	hospital 176:18	170:7,19
133:19	high 15:22,24	153:6 154:2	hour 19:10 55:16	171:14 172:3
happens 10:11	16:1	155:9,12,15,20	104:10 160:3	178:15,17,24
85:3,14,21	higher 57:5,11	157:9 158:11	hours 12:20 16:3	180:9,25

181:15 182:12	114:18,21	independent	179:9,21,22,25	141:9 142:11
182:20 183:19	identifying 131:8	49:1 61:14	201:10 202:6	159:19
183:22 186:8	ill 199:13	142:3 169:6,6	205:16,25	interest 65:23
187:17 188:1	Illinois 209:24	177:5	informed 33:18	66:15
189:11,18	imagine 128:15	independently	197:16 210:23	interested 50:21
190:5,14,21	immediate 99:12	112:6 113:1	initial 175:13	76:13 217:21
192:17 194:19	immediately	INDEX 2:1	initially 168:21	interesting 214:8
194:20 195:4	43:14 71:22	indicate 120:15	169:5 172:20	interject 43:2
195:12 196:24	74:19 88:4	157:1 176:16	initiated 73:4	interrogatories
200:4,7,12,20	155:1	indicated 136:2	injury 131:21,23	9:4
201:2,8 202:24	impact 108:4	162:3 165:12	174:19 175:21	interrupt 40:15
203:6,10,16	impacted 95:17	205:11 206:16	175:24	195:2
206:9,25 207:5	implemented	indicates 172:4	inlets 116:20	interrupted
207:9,12,19	25:18	172:21 177:19	inside 125:24	195:15
208:4,14,22	important 10:15	193:12 197:9	insisting 149:24	intervention 25:1
209:9,11	impress 180:21	205:5 213:22	inspection 19:7	interviewed
210:11 211:3,8	improper 92:13	213:24	instance 61:12	74:18
212:10 214:6	improve 97:1	indicating	65:7 75:5,7	introduce 8:2,8
214:14 215:13	inaccurate	128:16 201:16	80:3,21,22	introduced 8:16
216:3,16	166:24	indication	82:11 89:25	investigate 21:18
huh 104:12	inactivate 58:16	156:16	92:3 102:7,12	165:8 170:16
hurt 92:3	inactive 92:22,25	indifferent	103:18 104:4	170:22 185:11
hypothetical	inappropriate	199:17	105:2 139:2	investigating
50:23 60:5	102:9	individual 20:19	144:20	90:9
Hypothetically	incident 48:16,17	85:7 88:2 89:14	instances 64:12	investigation
114:17	48:20 52:19	89:20 90:18	72:17 85:2,8	19:25 28:14
hypotheticals	56:18 71:8	111:13 136:13	86:19 87:17	44:19,23 52:9
89:12	72:18 82:23	189:25	88:9 89:22	52:19 58:7,14
<hr/>	119:16 120:1	individuals 87:21	90:17 104:22	64:9 102:25
I	128:4 132:16	123:7,13	139:1 150:13	122:3 126:5,9
ID 150:16	136:10 143:1	148:17 150:23	instructed 37:5	175:18 199:2
idea 57:24 83:3	153:16 157:2,5	150:25	instructor	Investigative
153:10 163:11	157:11,13,21	infer 83:9,16	180:22	120:8
identification	168:11 182:23	information 22:3	instructors 26:3	invoke 142:14
29:13 31:11	184:15 195:19	52:3 53:24	35:13 93:22	147:15
74:10 76:6	198:19	58:11 83:22	94:23 95:23	involve 34:15
77:15 119:20	incidents 121:4	108:11 109:16	96:4	48:18
150:10 151:1	include 29:3	110:1,25 111:1	instructs 11:9	involved 42:3,6
151:25 155:19	106:24 157:4	111:10,15	intake 68:23	42:16 51:21
identified 50:18	included 29:5	112:7,22 113:4	146:24 147:1,3	56:3,22 59:7
71:20 73:6,8,10	inconvenienced	113:6 114:13	147:25 148:15	83:8,15 122:20
73:10 74:2,4	192:24 193:2,3	115:11 116:7	intend 196:18	122:22 132:15
111:19 125:22	incriminate	116:21 117:1,2	interaction 71:23	137:2 148:17
131:3 143:13	196:21 197:1	120:8,10 131:9	118:2 143:18	151:4 153:15
167:23 169:10	200:23	138:4 141:23	198:23 199:1	205:1,10
181:17	indefinitely	173:18,20	interactions	involvement 23:3
identify 73:22	113:14	177:22 178:1,5	15:16 55:25	56:21

involving 56:1	107:22,23	8:6,15,18	Killian 107:7	107:1 110:23
in-class 35:4	144:16 198:3	Joseph 23:12	kind 20:9 21:14	110:24 111:7,8
in-classroom	Item 179:16	Joyce 202:17	21:17 22:5 26:6	112:5,14,16,16
26:5	iteration 76:11	203:2,12	56:7,14 68:24	113:8,11 114:1
in-service 24:23	iterations 76:3	205:17 213:18	100:22 112:19	114:5,22 115:6
97:25 98:5,10	76:12	judge 72:6	127:18 143:16	115:15 116:8
98:18 99:21	I's 138:3	judgment 82:13	kinds 145:14	117:12,14,21
Iraq 15:25		187:18	knew 37:14,19	130:2,5 136:12
issue 34:10,12		July 2:10 29:23	46:14 53:17	136:24,25
39:4 43:10,20	jail 112:11	30:9,10,15 32:3	73:8 74:2,3,15	137:24 138:1,3
43:22 44:7,10	193:14	32:6 33:10,19	83:1 89:22 90:1	138:7 140:4,6
44:17 45:3,18	jailed 197:24	34:3,16 35:11	90:4,8,10,11	151:4,6 153:15
45:23 47:15	Janet 123:4,15	36:9,24 38:3	129:23 139:3	155:4 159:12
49:7 55:9 58:9	123:17 124:4	40:10 95:7,11	180:19 188:15	161:4 163:23
62:23 63:4 64:5	125:7 127:17	95:21 96:9	188:22	164:18 166:11
65:24 75:2,4,11	128:17 163:23	97:15	knock 54:18	166:14,17
124:5,6,12,14	169:3 174:11	justice 85:20	64:22,23 68:17	167:5,5,13
126:7 135:6,10	179:10 181:17	93:13 126:10	139:4 140:16	171:19 172:16
135:19 137:7	204:6 210:12	144:6 148:25	177:11	173:24 174:6
137:19 145:5	Janet's 127:25	149:3,7 150:1,6	knocked 130:14	174:25 175:12
145:14 158:2	January 25:14	158:6,16	170:10	175:22 176:7,7
158:19 187:22	27:15	198:15	knocking 132:5	176:16 180:11
188:13 189:13	[REDACTED] 123:5	juvenile 182:5	171:1	180:25 183:13
189:19,24	124:23,25	jwall@paulwei...	know 9:18 10:1	183:24 184:3,6
200:8	127:6 182:4	5:14	10:18,20 14:24	187:19 188:6
issued 3:4 13:1,5	Jefferson 74:12		15:2 22:2 27:24	189:6 190:16
40:11 43:5	74:17 114:6,8		28:1 29:16 31:5	190:16 191:24
52:21,21 71:1,3	154:15 193:25		32:14 35:3,11	192:4 197:8
72:11,21 74:10	194:2,4		36:1 37:12 40:6	199:2,3 201:14
93:13 97:19	job 18:4 35:16		41:9 44:8 46:24	204:2,7,19
117:9 137:22	38:18,22,24		47:10,23 53:17	205:6,21,23,23
146:23 155:17	92:11 127:15		57:24 58:4,7	205:24 206:5
155:25 189:2,7	130:21 133:4,8		59:8,11 61:12	207:17,24
189:13 191:7	133:21 143:4		62:9 63:5,6,17	208:16,23
197:19 199:4	185:8,9 186:7		64:20,21,21,23	210:20 212:21
200:23 203:7	187:8		65:4,6,7,11,12	213:18,20,23
209:16,17,19	John 44:24,25		67:11 68:3 69:6	213:24 216:11
issues 55:6,8 91:1	48:9,11 50:8,23		69:24 70:21,23	knowing 63:20
123:18 124:7	50:24 51:1,23		71:25 73:17	74:14
148:18 149:9	53:10,11,12,22		Kevin 8:19	knowledge 61:11
181:24 183:13	67:8,9,10,11,14		81:3,5 83:1,9	81:20 121:8
184:2 186:17	67:17,18 91:25		84:14 85:9 86:8	137:23 174:5
207:22,25	110:15 114:5		86:19 88:11	208:15,17,21
issuing 47:11	joined 16:20		89:22 90:5,10	known 54:16
60:10 61:25	Jon 1:7 4:7 8:20		90:23 91:1,8,16	91:22,23 92:1,1
66:13 74:25	15:11		91:25 92:4 93:1	179:4 193:7
100:8 104:3	Jonathan 5:10		96:5 100:6	knows 102:23
			101:23 102:20	

145:7 Koeller 27:17	lawsuit 151:17 152:5,24 153:1 153:5 161:1 lawyer 141:13 143:16 lead 191:14 leading 32:6 192:21 leads 52:15,16,19 learn 13:12 25:9 26:7 53:25 60:24 132:14 155:2 learning 20:8 50:4,4 101:22 leave 92:14 165:1 leaving 90:1,9 145:2 198:15 led 93:7 122:11 122:11 left 27:18 128:18 149:11,13 legal 7:24 11:13 11:16 leisure 10:25 lengthy 22:15 lesser 57:1,4,11 letter 3:3 151:13 151:19,21 152:7,10,14,20 152:22 153:1,3 153:7,13,15,16 153:19 154:4 lastly 11:4 late 142:18 Latoya 123:5,11 123:19 181:24 182:7,14 184:10 Laura 8:19 14:22 law 25:13,17 26:1 37:17 61:7 94:7,7 95:2 98:22 126:14 lawful 9:1 lawn 184:12 laws 98:19	203:11 205:18 205:20 level 25:9 103:8 license 71:10,19 83:3 109:8 114:7 138:12 178:5 lied 74:6 lieutenant 27:7 27:17,19,20,22 106:16 136:20 lieutenants 27:9 39:25 50:2 159:11 life 52:9 207:25 limitations 86:22 limited 109:15,15 157:4 limits 84:10 Lindbergh 71:9 line 74:1 120:8 133:12 166:18 166:19 171:7 173:19 lines 121:17 156:15 list 176:12,23 listed 121:1,15 174:10 179:10 191:14 listen 168:25 lists 173:5 176:25 litigation 4:14 6:8,14 7:22,25 13:22 14:1,7 15:5,8 28:12 little 16:2 21:19 22:16 36:16 42:12 90:24 120:13 132:3 157:15 161:5 183:7 live 64:20 71:15 114:7 lived 53:18 114:4 114:5 115:22 128:10 139:3	lives 53:25 88:23 LLP 5:11 locate 128:4 located 128:8 location 119:8 121:2 locker 19:6 Locust 5:5 long 12:18 16:12 52:14,18 68:12 86:24 113:8,11 117:14 118:18 longer 18:17,24 18:24 26:12 life 52:9 207:25 limitations 86:22 limited 109:15,15 157:4 limits 84:10 Lindbergh 71:9 line 74:1 120:8 133:12 166:18 166:19 171:7 173:19 lines 121:17 156:15 list 176:12,23 listed 121:1,15 174:10 179:10 191:14 listen 168:25 lists 173:5 176:25 litigation 4:14 6:8,14 7:22,25 13:22 14:1,7 15:5,8 28:12 little 16:2 21:19 22:16 36:16 42:12 90:24 120:13 132:3 157:15 161:5 183:7 live 64:20 71:15 114:7 lived 53:18 114:4 114:5 115:22 128:10 139:3	89:10 109:17 116:12 155:22 Louis 4:15 5:6 6:2,9,15 7:22 8:21 13:18 15:3 16:21,23 18:5 20:12 22:7,12 24:19 32:11,12 35:14 37:14,16 37:18 54:12 82:1,3,5 96:7 109:5 111:5 112:11 138:16 149:8 157:17 166:5 173:2 193:13 203:20 lower 29:24 30:2 76:14 lunch 19:11 104:10 106:10 117:5 lunchbox 19:5	132:2 175:6
M					
machine 7:5 maintain 52:14 maintains 111:6 making 163:4,8 209:5 male 110:15 malice 199:8 man 186:6 205:22 management 77:22 139:20 manner 22:15 125:13 Manufacturer 179:18 March 2:21 16:11 17:2,18 18:20 24:14 77:17 93:10 95:12 marijuana 75:13 mark 75:25 132:2 175:6					

210:17	196:12 213:7	88:25	mouth 41:10	211:21
marked 29:12	meaning 150:14	Midwest 4:14 6:8	move 102:5	nationwide 96:7
31:10 76:5	means 10:16 37:9	6:14 7:22,25	209:14	nature 172:4
77:14 119:19	75:8 147:3	Mike 8:18 42:23	moved 206:19	211:4,15
151:24 155:18	151:7,11,14	53:7 76:7 78:25	208:17,18	NCIC 117:15
171:4	152:11,15	104:7 117:7	moving 209:23	near 157:25
marking 29:11	153:8,11 159:5	207:2	mug 112:12,21	nearby 177:3
31:7 76:1 77:16	197:17 217:12	miles 95:4	MULES 116:3,5	necessarily 81:15
119:16	meant 198:6	mine 11:2 78:14	116:9,21 117:3	necessary 65:1
marks 127:8	medical 173:22	122:16	117:15	86:25 87:23
matches 61:13	medically 9:21	minor 158:19	multiple 17:24	need 42:18 45:17
matching 71:18	meet 12:18 68:9	161:13,20	51:23 54:6 63:1	
materials 22:8,13	104:2 148:25	minutes 72:9	63:17 67:25	
35:7 98:14	149:6	80:19 119:18	68:19,21 69:23	
matter 7:17	meeting 103:16	145:21 160:4	municipal	80:4 88:6
22:25 48:22,22	156:1	165:15,18,22	203:20 204:23	102:25 134:23
65:24 135:8	meetings 12:10	168:6	205:2 206:5	146:18 153:21
195:22	12:13,23 13:7	missed 63:13	municipalities	176:18 197:18
maximum 87:1,3	members 136:14	Missouri 1:2 4:2	18:6 32:13	needed 25:9
McWilliams	mental 183:13	4:16,20 7:20,22	Murder 57:6	54:23 62:1
27:18	184:2 207:22	173:3 217:7	<hr/>	needle 92:8,9
mean 14:8 19:24	207:25	misstates 63:24	N	needs 48:10
29:6 37:2,23	mentally 206:18	misstating 33:21	N 5:1 7:11	68:10
39:13 41:8 42:7	mentioned 13:10	mistake 158:15	name 7:23,23 8:3	negative 28:20
42:22 45:12	28:23 32:25	216:8	8:9,11 9:10,13	neighbor 48:14
46:10 52:21,23	33:17 56:2	MO 4:17 5:6 6:3	23:13,18 74:14	53:23 90:2
53:4 54:15 67:8	64:15 82:17	6:9,14,15 217:6	81:12,23 85:9	124:11 128:4
68:5,18 69:23	88:9 90:21	Mobile 116:19	85:15,17 89:15	161:14 162:1
70:1,2 74:13	92:18 106:11	moment 54:10	90:7 97:12	162:11,19,25
81:15,16 83:5	106:15 136:13	86:25 87:23	99:16 101:8	206:18,18
83:17 85:19	167:1 175:3,8	money 74:14	110:4,6,17,18	neighborhood
89:2,24 90:4	178:6 206:13	month 74:11	111:14 113:21	179:25 180:3
96:23 113:1,1	mentions 190:16	142:17 189:1	113:23,24,25	neighborly
114:1,4,8 115:7	mercy 20:1	194:23 195:1	113:25 118:3	127:18,19,20
115:9,11,14	mere 190:18	195:16,18	121:17 136:14	164:25 170:14
116:23 126:4,6	Merit 4:18 217:3	months 16:14	136:17 151:8	178:21 208:9
126:17 127:11	message 141:12	18:10 19:18	159:15,18	neighbors 123:18
131:16,23	messing 124:20	20:4 24:15,16	176:13 177:19	132:18 148:19
132:3 134:17	met 158:5,15	28:5 30:22 32:5	named 15:4,8,17	neither 211:21
134:18,22	210:12	32:20 95:12	names 93:23	217:15
135:17 138:11	mhughes2@stl...	112:13	106:19 107:24	never 13:24 32:6
138:23 143:15	6:4	morning 9:9,15	108:1 123:1	50:8 68:3 71:25
146:24 152:25	Michael 6:2	12:11,14	164:4	73:17 90:15
152:25 156:22	middle 49:3	118:10,11,21	narrative 99:17	94:21 105:22
173:23 174:7	76:20,22	120:15 161:13	127:7 132:21	114:4 118:3
183:11 192:19	131:21 213:21	162:21 210:16	133:11 139:25	137:20 141:6,7
193:25 195:16	midnights 88:20	210:21	140:1 181:2	152:23 158:18

175:1 195:23	149:20 151:15	59:21 60:1	occupants 73:5	88:10,11 89:9
212:23	151:20 152:15	63:22 64:2	occur 79:5	89:16,19 90:14
new 5:12,17	153:9,19 154:4	66:18 79:23	occurred 120:10	90:19 91:24
21:20 26:7 34:6	155:4 156:9,10	80:15 96:11	120:13	92:5,14,21 93:2
35:19 43:16	157:13 159:12	97:22 103:20	occurs 44:1	99:9,14 104:20
50:3 97:8	159:14 161:13	129:24 144:9	October 28:6	106:10 111:17
101:22 155:2	195:18 198:19	145:16 146:13	offense 44:12,20	118:22,23
night 13:2,3,4	207:21 210:12	152:9 153:23	45:1 157:16,21	122:12 135:4
55:9 65:14	number 7:18	155:13 157:6	157:24 189:20	135:12,17
115:12 154:24	76:4 111:17	165:2 168:8,17	offenses 132:24	136:19 137:6
156:6,8,20	131:5,20	169:14,18	offered 145:12	145:20 154:3
187:5,23	140:22,25	170:5,17	145:15	158:12,14,18
194:15 195:17	141:3 160:17	171:10 178:14	offering 146:12	159:7,8,16
195:25 201:4	166:12,15,18	178:22 180:6	office 6:2 44:9	160:13 161:1
Nods 135:15	166:19 167:10	180:23 181:14	45:4,6,7,12,13	165:4 166:4
non-talkative	167:11,14	182:11,17	45:16,16,24,25	168:16 170:15
169:12,17	201:10,14,15	183:15,18,20	46:12,17,24	170:21 173:10
170:4	numbered 2:14	186:2 187:14	47:3,14,20	173:13,14
Norberg 107:6	2:18,20,22,24	187:24 189:10	54:22,25 55:1,2	180:11 181:3
normal 159:10	numbers 29:24	189:17 190:3	55:4,12 56:2,3	187:8 190:25
normally 140:24	30:2 53:20	190:12,20	56:7,8,10,20,23	191:2,6,10,21
North 4:15 6:9	109:22 119:17	192:15,19	56:24 57:1,2,8	192:2 197:9,10
6:15 89:9 118:5	155:21 201:16	196:23 197:7	57:12,13 58:20	197:12,14,15
147:22 154:23	201:18	200:2,10,19,25	58:21 60:6,7	197:16,19
203:20	numeral 78:11	201:7 202:21	61:22,22,24,25	204:24 208:6
Notary 4:19 7:6	78:12,21 79:1	203:5,9,15	62:11,12 63:3,4	210:6 216:19
217:6	numerous 71:11	206:8,24	officers 13:18	
noted 135:16	71:12 74:15	207:16 208:3	14:14 32:12,15	
152:9	75:5 186:7	208:11,20	35:14,20 36:9	
notes 13:2,25	188:18 195:23	209:7 214:12	officer 7:16 9:9	47:7,22 54:12
14:19 52:4,5,6	200:17	obligated 165:6	9:12,15 15:1,2	56:14,15 57:19
52:8,11,14,18	NY 5:12,17	obligation	16:24 17:17	58:19 60:7
notice 146:10		170:22	18:13,14,15,24	62:10,21 71:11
205:22		obligations 20:6	19:19,21 20:18	73:25 79:5 86:7
noticed 37:6		observed 49:3	21:12 22:1	88:6 90:4,22
notification		129:1,3 212:1,3	23:20 24:6	91:8,12,16
202:6		obtain 47:14	25:24 26:13,21	94:14 100:18
notified 152:24	42:11 53:3	54:21	28:9,17 29:18	100:19 101:2,4
153:4 175:14	63:23 66:2,2	obtained 140:21	38:3,5,6,13,18	106:11,20,21
196:10 204:3,7	69:7 70:8,9	obtaining 45:4	38:22,23,24	106:22,22
204:10,13,16	95:24 96:12,19	63:2	39:9 48:2 52:1	107:3,10,20,20
204:17	149:15 152:3	obvious 39:15	55:23 69:19	117:20 120:11
November 3:1	155:6	188:22	73:17 76:13	121:13,21
23:5 24:3 118:3	objected 155:7	obviously 28:23	77:25 79:21	138:11 149:9
118:10 136:8	objection 11:8	149:16	80:12 82:14	150:22 159:10
137:14 141:7	31:18 40:21	occasions 146:2,4	85:1,14,23,24	171:22 173:6
142:8,9 147:20	41:10 44:13	148:25	86:4,17 88:1,1	189:24 190:17

officer's 70:14 80:25 85:9 89:15 offices 4:14 57:16 official 8:20 oh 8:17 78:23 103:21 106:25 160:14 176:13 185:21 194:6 209:1 okay 8:18 10:3 10:22 11:11,23 12:4,22 14:3 15:20 16:8 17:15 23:10 25:21 27:25 30:9 32:1,23 33:15 40:9 41:8 42:25 43:3 50:6 52:25 54:5,9 65:9,12 67:10 67:11 70:10 72:2 77:1,9 78:2,6,8 84:19 104:7,11 106:3 106:3 107:1 108:7 110:21 114:23 117:14 119:14 123:3 126:20 132:5 134:2 135:8 140:7 144:9 151:6 161:4,22 162:13,18,24 164:8,17 165:11 168:20 168:24 170:8 170:20,25,25 171:15 172:11 172:20 173:17 173:22 174:2,5 174:12 175:2 175:17 176:3 176:12,22,25 177:5 178:4,25 179:5,8,9,24	180:16,18 181:1 182:21 183:23 184:3 184:24 185:14 185:21 187:7 188:2 189:23 190:15 191:9 191:18 193:1,2 193:5,10 194:6 194:21 196:1 196:16 197:4 198:9,12,17 199:13 201:18 201:21 202:1,5 202:25 203:7 203:17 205:5 205:14 206:7 208:5,15 209:12,12 210:3 214:25 216:3,16 okayed 135:13 135:13 old 34:7 114:2 132:8 older 131:6 once 11:8 17:12 25:24 35:16 38:3 39:5 42:9 42:17,20 43:5,6 43:8,11,13 46:21 64:16 65:5 88:1 98:5 99:8,8,14 100:4 100:5 130:18 146:18 161:25 170:13 196:6 216:4 ones 39:23 90:24 109:1 116:16 116:17,17 151:3 ongoing 119:7 123:18 124:5,6 124:7,12,14 148:18 181:24 oOo 4:10 7:1,10	216:23 open 18:3 69:24 operate 93:19 operator 175:13 opinion 96:22 opportunity 10:21 42:5 44:4 44:5 45:9 46:3 48:2 54:24 56:17 58:2,22 59:14 69:1,14 80:11 83:10 84:13,16 142:23 144:17 199:3 opposed 55:10 74:24 91:8,18 150:1 opposite 104:24 oral 9:4 order 2:10,13,16 2:19,21 29:8,20 30:12,19,23 31:1,7,22,23 32:1,7 35:18,19 36:10 58:7 76:2 76:15 77:6,17 97:8,9 148:20 171:24 190:7 orders 22:14 176:9 ordinary 206:15 207:25 original 3:6 153:5 160:20 originating 84:15 outside 35:8 126:1 128:9 outstanding 149:13,18 overbroad 70:9 overlooked 63:13 overworked	55:11 owner 179:9 o'clock 118:15 ooO 1:3 4:3 7:12 9:6 P P 5:1,1 7:11 PA 58:9 64:7 page 2:2 9:20 29:10 36:17 37:7 76:10,13 76:17 78:3,7 99:4 131:19,21 133:9 135:24 139:21 161:7 173:17,19 177:15 191:15 193:10,11 211:4 213:21 paid 18:2 paper 214:1 paperwork 65:10 148:20 paragraph 161:7 161:11 162:18 164:18 166:3 188:3 189:12 189:23 190:15 191:9,18,25 193:11 196:16 197:7,8,19 198:2 203:18 204:22 paragraphs 197:24 paramedics 174:1 175:8,9 175:14,19 176:17 paraphernalia 75:12 parent 127:13 parents 124:9 132:10 park 154:18 parking 19:3	parole 109:21 part 63:1 95:21 96:12 101:21 135:20 175:17 particular 188:8 188:10 parties 217:17,20 Partin 1:11 4:12 7:17 8:19,25 9:9,12,15 52:1 55:23 80:12 85:1 104:20 106:10 119:16 145:20 154:3 160:13 161:2 166:4 171:4 191:10 197:9 197:15,19 201:9,21,24 202:15 204:25 210:6 216:19 Partin's 191:21 192:2 parts 51:20 120:6 party 59:6 144:17 181:17 212:21,25 party's 48:16,17 49:9 pass 57:23 58:2 83:22 160:10 passed 26:13 passenger 73:9 password 97:13 patrol 17:17 25:2 106:21,22 112:1 114:20 115:5 118:12 122:6,8 171:22 patrolling 72:24 134:19 194:1 Paul 5:11 8:4 PA's 45:7,12,16 45:24 47:3,14 47:19 54:22,25 55:4,11 56:2,24 57:1,7,12 58:20
---	--	---	---	---

60:6 61:22,24	146:9 162:6,9	179:16 183:2	44:23,25 48:10	181:3 189:24
62:11 75:7	163:8,20 168:2	184:11,22	49:6 50:6 51:2	190:17 208:5
peace 75:13	177:6 187:10	185:11,12,15	63:10 65:2,25	policies 25:10
pen 59:11	187:13,13	185:23 186:6	69:25 85:21	32:16 33:1,6
pending 11:2	personal 67:19	186:10,16	87:2 88:3 89:19	35:5 95:16
people 25:22,23	68:8 107:15	208:8 212:4,7,8	104:9 119:2	policy 20:12 22:7
88:23 90:25	personally 46:7	214:10,11,20	127:17,23	22:11 25:12
91:22,23 92:9	46:24 47:2,3	215:4,5,9,9,10	129:21 132:19	29:4,6 30:6
101:9 108:3,13	personnel 121:16	photos 112:12	134:24 142:2	33:9,10,12,18
110:8 113:25	person's 111:14	phrase 119:1	143:9 144:3	34:2,4,6,7,17
114:7,17,21	perspective	physical 19:13	145:1 149:14	34:19,19,20
116:24 126:13	136:24	pick 84:12	149:25 167:3	35:11,24 36:10
141:3 150:9,15	perspectives	picked 74:11	168:24 169:2,9	36:14,15,21,24
150:24 159:5	126:14	87:15 145:3	180:18 186:21	37:7,8,11,12,13
162:4 163:7,17	pertain 99:1	piece 214:1	187:19 205:14	37:13,14,19,20
163:18 177:11	pertaining 12:25	place 25:8 33:8	pointed 174:18	38:1,3,16,19
189:13	pertinent 32:12	34:1 43:10	175:23,24	39:2,4,9 40:10
people's 178:8	phase 20:24,24	68:11 101:18	211:3	54:23 62:7,9,17
perfect 71:9	20:25 21:14,19	114:2,6 119:9	pointing 207:4	67:19 77:22
period 54:20	21:22,23 22:4	144:25 186:5	police 2:24 12:25	95:7,21 96:8
87:19 89:18	22:11,18,21	placed 210:20	16:4,10,12,17	98:14 99:22
permitted 79:6	23:7,9,10,15,23	213:14	16:21,24 17:20	100:4,5 101:18
101:25	24:5,8 135:8	places 8:8	17:21,22,24	102:1,10,11
person 10:7 26:2	phases 20:20	Plaintiff 1:5 4:5	18:14,15,24	103:15 104:1
38:4,6,9 42:3,6	21:11,13 22:5	plaintiffs 4:13	19:19,20 20:4,9	135:21
42:10,16,18,21	phone 52:2 53:20	5:3 7:3 8:5	20:18 24:15,19	popped 115:14
42:21 43:7,8,22	66:11 67:7,16	191:10	24:20 25:21	populates 109:8
43:25 44:2,3,11	109:22 125:9	plaintiff's 206:14	26:12,19 28:13	portion 157:17
44:20 45:8 46:6	125:12,20	plate 71:10 72:25	28:24 32:12,17	position 17:16
47:12 48:21,21	128:23 129:4	plates 71:19 73:7	34:21 35:14	73:20
49:2,3 53:9	129:14,17,18	83:3 109:8	37:15 38:18,22	positive 74:9
54:2,6 58:10,21	129:22,22	platoon 27:5	38:23,24 43:18	possession 71:13
66:6,11 67:24	130:2,5,7,7,9	play 121:22	54:12 67:21	130:10
68:9,14 69:5,11	130:10,18,20	plays 56:7	70:20 77:25	possibility 84:7
69:21 71:15	130:25 131:4,6	plea 203:25	93:19 94:13,18	112:17 150:4
72:16 73:14	131:7,9 133:2,6	204:1,5,10,19	95:3,3 96:6	215:8
81:6,10 83:17	133:15 140:20	please 8:1,23	100:14,18,24	possible 108:6,6
84:16 85:3	141:19 143:2	9:11,18 10:20	101:6 107:21	158:22 196:9
86:15,18 87:18	143:14 162:14	60:15 195:2	108:5 117:19	possibly 21:2
87:24 88:8	162:21 163:1	plenty 134:23	119:15,25	87:10 93:4
89:22 99:10,13	164:20,24	plus 61:14	120:18 126:11	113:14 166:15
99:16 109:24	166:6,11,14,23	PO 158:9	149:8 156:17	potential 79:4
110:14 112:11	167:2,6,7,9,11	pocket 92:7	158:12,14,18	potentially 83:25
112:14,20	167:11,13	point 9:17,25	159:7,8,10	pounder 178:15
113:20 114:14	168:13 169:7	10:16,24 35:23	162:19 165:22	178:18
114:23 126:3,9	169:21,25	40:12,16,17	166:5 170:15	pounds 178:12
136:3 141:1	170:14,23	41:16 44:10,19	170:20 171:3	practically

193:25	100:23 107:4	215:23	prosecuting 44:9	189:14 190:2
practice 57:14,19	112:25 116:22	probably 12:16	45:13 46:11,21	purposes 47:13
60:8 62:16	121:9 124:15	75:14 86:11	55:1,2 56:19	150:12
64:16 67:21	139:17,22	114:7 134:15	74:20 75:10,22	pursuant 68:15
68:8 73:13	178:12	139:17,24	prosecutor 45:24	70:6 80:25
79:10 92:19	previously 79:25	185:25	47:2,14 202:20	86:15 87:22
107:11,21	119:12 121:5	probation 26:13	203:11 204:23	88:2,8 188:7
practices 96:6	121:18 153:13	26:16,18,21	205:3,24	pursue 48:3 87:2
108:5	primary 20:23	109:21	206:15	pursuing 54:21
preceding 183:21	22:1	probationary	prosecutors 54:22	62:22 107:23
precinct 16:19	print 217:13	26:12 159:7	prosecutor's 51:23	58:12,13
21:2,6,8 27:18	prior 12:11,16	problem 44:22	45:4,15,25	59:9 61:15 83:7
88:14 89:7 91:3	30:23 35:24,25	137:10	46:17,24 47:19	83:14 84:9,10
100:21,25	36:24 37:10,12	procedure 20:12	56:1,8 63:3	110:4,4,6,18
106:12,12,20	37:17 49:16,18	21:16 22:7,12	107:12	133:24 134:11
117:20 136:14	50:21 51:1	179:24	provide 25:23	141:25 159:9
148:2,6,11,14	53:12 54:1	procedures	46:2	163:10 174:22
149:1,25 150:2	55:24 57:15	32:17 78:4	provided 24:20	180:4 183:4
150:7 151:9	65:20 66:13	174:6 205:24	35:7 98:15	201:18 202:13
152:12 153:8	79:7 87:1 98:11	proceed 8:24	providing 52:3	203:11 210:1
156:2 191:21	100:8 101:13	56:18 62:19	69:1,13	puts 11:8
192:3,5 193:22	101:18 103:11	process 48:8 70:2	PT 19:13	putting 41:9
194:5	103:11 107:23	81:23	public 4:19 7:6	135:5
predated 76:12	118:2 139:3,7	processed 88:4	79:4 217:7	P-a-r-t-i-n 9:14
prefer 55:8 64:8	139:13 205:25	147:4,10,25	publication	p.m 19:24 106:7
preferred 143:17	210:11	148:4 149:2	101:5	139:23 216:22
preparation	private 141:3	processing 38:8	published 100:13	P.O.S.T 20:9
206:12 207:6	probable 33:8	99:15	pull 68:16	<hr/> Q
prepare 12:8	34:1,5 38:4,13	produced 4:12	punch 176:3	quantity 190:16
13:9 19:7 20:12	41:20,22,23	206:14	punched 175:25	quashed 198:4,5
197:4	49:7,15 50:7,24	professional 68:4	178:18 208:7	Quentin 27:17
prepared 152:7	51:7 58:12,15	professor 26:1	punching 211:23	question 9:17
preprinted	58:15 60:19,21	program 113:2,5	punish 189:13	11:1,8,10 14:13
201:15 205:7	61:1,9,10,16,20	113:7 116:25	punishing 189:15	22:17 37:1,4,22
present 8:1 63:6	62:2,5,18,24	programs 113:3	punishment	37:22 40:21,24
63:7,14 64:10	64:14 66:21	116:11	87:23	42:24 43:2
66:16 182:14	68:12 80:2 99:9	progress 118:13	punitive 199:11	49:22 50:3,5
205:1	103:9 104:25	promises 141:15	195:6	51:12,12 53:4
presenting 63:16	105:1,15,19,21	195:6	purpose 41:25	54:9 58:18
presents 65:8	131:22 141:23	property 90:14	42:2,9,15 43:24	59:24 60:15
press 126:3	142:1 145:13	133:13,16	47:25 48:4	63:23 66:2,3,8
pressing 55:5,8	174:19,22	179:9,10,13,18	66:25 67:5	80:7,13,16
presumably 93:2	175:23 186:4	185:3 186:11	68:25 91:5,15	91:14 92:15
130:23	187:4,9 188:11	190:10	142:22 143:9	103:1 105:5
presume 132:22	189:20 190:8	propounded 9:4	144:2,16	118:7 126:19
pretty 22:15	190:22 199:24	prosecute 174:3	145:13 146:8	
27:11 40:1	199:24 215:18	174:7,8	156:4,24	

126:22 133:22	118:23	reasonable	records 82:5	113:17 114:14
146:11 149:16	ranks 159:4	168:15,16	136:1 165:21	114:25 115:4
153:2,18,24	reached 25:9	170:20	179:6	116:9,18,21
155:7,8,10,12	44:18,23	reasonably 61:11	record's 9:10	117:3 140:3
182:9 185:14	reaction 153:21	reasons 45:22	recruit 17:20,21	209:20
195:10,13,15	read 11:23 13:11	64:5	17:22,24 18:22	REJIS's 113:9
207:14 211:8	33:23 34:10,19	recall 14:5,13,18	19:2	relate 94:9
214:7,15	34:24 35:18	30:19 35:20	red 73:2	related 33:5
215:17	36:6,10 38:9	99:25 133:19	reduced 217:13	61:19 86:23
questioned 49:19	40:25 41:2	148:24 149:24	reference 131:13	96:10 101:5
87:19 133:15	44:15 60:14,16	158:6,17	181:4,7,10	217:16
186:10	61:5,6 66:19,20	175:24 183:3	referred 131:17	relating 23:3
questions 9:17	79:8 93:15	211:25 214:11	178:20	111:10 117:18
21:17 35:2	94:21 96:16,18	214:15	referring 29:7	157:13
39:22 51:10	97:9 99:18	receipt 145:6,7	30:7 82:22	relation 128:13
88:2 159:23	129:5,10	receive 48:8	132:7 197:10	relationship
160:1,14	133:14,17	99:13,20	202:14	132:15
169:20 184:20	154:3 156:16	101:19 196:1	refers 211:23	relative 217:19
196:18 210:7	161:17 166:9	received 28:20	refresh 26:7	relatively 106:12
215:14	179:10 181:21	33:1,16 34:14	refuse 192:3	release 88:5
quick 55:14	182:1 204:24	120:14 145:6	refused 102:6,9	released 87:14
84:18 154:16	213:22 216:4	146:11 171:7	103:18 174:1	192:14 197:25
160:4	reading 34:23	171:21,22,23	176:14 186:12	relevance 22:25
quickly 10:4	38:16 39:2,22	196:6	regard 13:25	95:24 153:24
34:11 196:9,11	97:17 110:23	Recess 55:19	14:6 182:13	rely 158:19
quiet 169:20	131:12 156:19	84:22 106:6	regarding 14:14	remain 42:19
Quinby 4:16	reads 79:2,21	160:7	14:19 15:8	68:11 113:9,12
6:13 7:5,23	99:8	recognize 29:17	91:13 169:25	117:15 149:18
217:3,25	realize 10:17	30:4 77:19	regards 11:20	remained 126:8
quit 133:2	realized 74:6	85:15,17 88:10	169:21	remember 80:22
quite 50:1 102:21	really 119:10	89:15 91:17	93:23,25 94:11	93:23,25 94:11
113:1 123:1	124:1 127:12	119:22 155:23	94:12 98:4,10	94:12 98:4,10
quote 178:20	174:23,24	179:1	98:12,13,16,21	98:12,13,16,21
<hr/>				
R				
R 5:1 7:11	Realtime 4:18	recollection	102:17 107:24	
race 110:17	217:4,6	122:24	118:11 119:13	
radio 21:25 52:2	reask 14:12 37:4	10:14 11:9	122:24 131:11	
120:9 171:7	43:2 69:10	23:18,23 29:23	133:20 138:14	
radius 114:24	reason 9:21 17:9	55:18,21 60:16	regional 108:11	158:21,24
rage 71:8 82:23	43:1,9 49:22	66:20 84:21,24	209:20 210:4	159:2,15,18
147:14	55:2 60:22	96:18 104:15	Registered 4:18	179:3 194:11
ran 43:18 100:6	69:20 74:6 93:3	104:16,18	217:3	196:4 209:5,10
116:24	101:4 105:21	106:5,8 151:23	regular 107:4	remembered
random 91:9	112:5,23 127:5	152:3 160:6,9	regularly 81:18	90:6
range 25:3 110:6	156:24 192:11	216:18	reiterated 196:17	remind 97:18
rank 26:10	205:7,8 206:16	recording 125:9	REJIS 108:7,10	remotely 83:12
	209:22,25	182:22,24	108:24 112:3,9	remove 198:12
			112:19,23	removed 113:13

113:16 154:25	180:5 186:9	195:21 196:5	29:24 30:2,11	roundabout
198:11 215:4	201:14,15,16	responded 74:17	33:15 36:2	73:20
RENÉE 4:16	202:1,10,13,14	89:25 118:13	39:19 53:7,8	row 139:21
6:13 7:5 217:3	203:1 205:9,20	119:11 120:11	54:2 63:18	rule 87:5,6,8
Renée 7:23	205:21 208:7	121:4,10 122:9	65:16,17 68:20	rules 10:5
217:25	209:3,4,5,13	154:13 165:12	89:6 101:12	run 33:13 49:20
repeat 44:21	211:21,21,22	168:5 181:3	107:18 110:1	102:19 116:19
45:20,20 47:8	212:14 213:22	responding	111:23 117:17	running 21:24
60:12 79:15	213:25	83:25 121:13	128:11,17	R-i-c-k-a-r-d
91:10 96:1	reported 26:24	134:12 166:4	129:23 133:10	23:19
103:23 105:4	26:25 27:1	responds 85:23	135:22 138:10	
129:9 144:11	reporter 3:7 4:17	response 93:3	142:15,24	S
144:12	4:17,18,19 6:12	142:10	143:22,25	S 5:1 6:3 7:11
repeatedly	7:6 8:23 10:6	responsibilities	144:5,22,23	safety 39:9 91:24
145:21	10:14 41:2,12	20:6	92:5	92:5
repeating 80:16	60:16 66:20	responsibility	said/she 57:25	said/she 57:25
repetitive 31:19	96:18 217:1,4,4	111:18	sake 9:10	sake 9:10
59:22 97:22	217:5,5	rest 19:12 197:8	174:2 175:21	sat 12:5
144:10 207:15	reporter's 7:23	restraining	186:18 188:8	saw 48:23 72:24
rephrase 9:19	reporting 122:12	148:19	196:20 197:1,2	73:2 106:1
41:1,5,7 42:14	181:17 182:10	result 79:13	200:22 202:25	126:1,6 128:22
44:17 53:8	212:21,25	resulted 85:7	216:4,7	129:13,18,18
102:3 105:7	reports 34:10	retained 3:6	rights 5:16 8:13	130:6 184:15
144:11	137:1	retired 26:1	199:17	207:9
replaced 31:2	represent 8:18	retract 72:21	right-hand 76:14	saying 10:8 59:4
reply 9:4	36:21	return 186:12,14	RMR 6:13	59:5,11,12 60:3
report 2:24 12:25	represented 11:4	returned 73:11	217:25	61:13 67:12
22:2 26:22	request 38:6	Revenue 109:4	road 20:13 71:8	77:6 102:14
51:18,20 52:22	99:15	179:8	72:8 82:23	110:11 127:13
52:23 74:19	requested 209:16	reversed 125:25	121:2 128:14	142:13,15
88:10 93:13	requesting 38:8	review 12:22	147:14 173:2	144:4,7 149:5
94:12,15,16,17	99:13 148:24	13:8 99:11	174:16	158:9,25 159:2
94:21,25 95:12	requirements	101:19 119:18	robbery 57:7	165:12 185:19
95:17 96:5	39:3 61:24	136:8,23 137:1	Robertson	194:8,25 195:5
99:18 101:6,10	62:14 86:23	137:3 138:2	121:21 122:3,7	196:19 209:2
108:5 119:15	requiring 62:7	reviewed 12:24	Robinson 121:23	212:18 213:2,6
119:25 121:13	reread 41:12	103:7 135:12	role 17:4 18:9,16	says 9:4 30:12
122:25 127:4	reside 181:25	136:4 137:10	56:7 121:21	33:25 61:15
128:24 131:13	residence 138:23	137:24	122:1 135:17	62:17 63:17,18
131:21 133:10	138:24	reviewing 37:5	135:17	65:8 76:21
133:24,25	resides 181:18	revisit 55:23	roll 89:1	81:12,24
134:1 135:4,12	resist 92:1	Rickard 23:17	Rolla 209:24	109:25 121:16
135:16 136:4,5	resisting 75:9	107:6	Roman 78:11,12	128:25 129:10
137:10 139:18	respond 19:25	rid 68:22	78:21 79:1	131:22 133:23
156:14,15,17	50:14,15 86:3	Rifkind 5:11	room 19:6 69:24	135:25 136:8
156:22 157:12	86:12 89:6	rifleman's 25:2	82:6 156:18	156:14 157:16
165:22 171:3	121:1,8 122:17	right 22:19,22	ropes 21:15 22:6	157:18 158:9

162:18 171:7	42:4 53:20	sent 54:11 71:11	shift 19:23 21:2,3	216:13,20
171:16,19	54:16 61:16,17	79:22 120:21	26:25 54:8	signed 203:1,10
173:18 174:19	65:9 67:10	135:14 151:14	86:12 87:12,13	203:12 205:17
177:16 179:13	71:17 75:21	153:2,8,10	88:15,15 119:4	213:25
179:24,25	78:9,18 83:11	176:9	139:17	significant
181:16 184:9	85:8 89:16	sentence 133:11	short 87:11 160:3	113:24 212:21
186:9 192:21	100:23 106:1	133:14 172:9	shorthand 4:17	similar 110:8
202:7,10 205:8	108:18 115:12	197:8	7:5 217:5	simple 37:22
206:17,19	116:25 121:17	separate 112:6	shortly 161:11	42:23 55:3 66:8
211:5,10	128:2,20	separation 57:4	shot 112:12,21	88:23 101:11
212:23 213:1,3	129:12,15,16	September 2:13	shoulder 112:16	155:9 213:6
scenario 50:9,22	131:5 132:3	2:17 16:15	show 19:3 21:14	simpler 36:17
53:22 67:23	139:4,18 146:9	18:12,21,21,23	31:4 51:25 68:1	55:8 116:16
105:2,13	150:16 152:5	19:18 22:18	108:19,20	sir 211:7
140:25	156:13,14,15	26:16 28:6 30:1	109:11,11,12	sit 19:10 24:24
scene 51:14	156:22 157:12	31:8 32:2 33:11	109:13,16,16	25:6 40:16
53:23 72:18	157:18 160:24	40:12,16 41:16	109:17,18,23	41:16 55:5
73:24 89:7	161:1,8,10,15	49:16,18 50:21	110:8,18	64:25 89:8
90:10 120:23	166:6 167:12	51:9 76:16 77:8	111:14,16	sitting 12:11
121:1 122:9,17	168:1 171:4	95:8 97:19	115:1,2 148:20	39:21
123:8,12	172:5 174:3,24	98:10 99:6	Showed 77:2	situation 71:7
125:13 126:8	177:17,23	101:13 103:12	135:4	79:3 187:20
127:4,18	181:18 184:12	103:15,21	Showing 22:6,8	situations 88:7
134:18 162:4,7	188:2 191:21	104:1	22:11,12 43:24	91:18
163:4,11	193:15,17	sergeant 27:17	shown 32:6	six 16:14 18:9
164:11 168:11	201:11,13,16	27:17 136:20	206:12,20	19:18 20:4
168:12,13	202:10,13,17	136:21,22	207:3,6	24:15 29:25
170:21 173:14	203:1,21 205:9	158:7,10,13	shows 43:19	30:3 31:9 76:4
175:14 182:19	205:20,20	sergeants 27:6,9	110:18 145:9	77:18 98:20
186:12,15	207:15 212:13	27:12,13	siblings 127:10	110:16 112:13
187:8 213:11	seeing 40:4	106:16 159:11	sick 121:9,11	size 178:13
215:7	105:21,22,24	sergeant's	side 45:10 46:3	skin 132:2
scheme 190:17	seek 45:23	159:18	48:21 59:1,7,14	sleeping 125:24
school 15:22,24	seen 31:1,5,16	service 16:6	59:16 60:5,9	Slusser 23:21,25
16:1	32:24 128:4	Services 4:14 6:8	65:18,18 67:1	24:2 118:22,23
screen 131:4,7	152:21,23	6:14 7:25 85:20	69:2,14 72:2,3	121:18 122:4,7
searching 110:12	153:2,13,19	198:16	72:3,8 80:11	135:4,12
second 10:13	198:18	session 99:21	118:19 127:25	159:16 173:6
50:19 99:3	self-initiated	120:4	142:23 143:3	181:3
133:11 184:21	20:2	setting 204:17	144:18 199:4	Slusser's 135:17
185:7	self-serving	20:3	199:20	small 56:8 91:3
seconds 73:25	152:6	sheets 139:24	sides 58:24	100:21 106:12
section 38:11	send 46:20 51:24	133:10	sign 97:9,11	118:18 134:19
78:3,9 79:1	53:9 55:4 92:2	Shakes 117:13	signature 7:7	smaller 45:8 46:1
99:4,5,21	sending 14:18	shaved 19:9	97:12 191:15	smartphone
156:25 157:10	65:12	sheets 139:24	191:16 202:17	182:23
see 10:5 30:12	senior 21:20	she'll 216:8	213:20 216:11	Smith 67:8,9,10

67:12,15,17,18	44:6,6 45:17	140:20,21	9:10 44:9 56:19	stop 50:19 73:4
91:25 110:15	49:13,22,25	141:18	75:6,21 111:12	73:19 82:22
114:5	56:17 57:14	spot 154:17	192:20 217:7	83:9,16,20
smoothly 10:11	58:2,10 59:18	spotted 82:20	stated 79:25	91:20 114:15
softly 17:13	60:4 62:19 63:1	Spraggins	128:25 129:1	114:20 122:21
solely 82:12	65:17,21,22	121:22,24	143:13 182:3,6	127:1 138:22
somebody 67:20	66:15 68:7	122:2,7	182:19,22,22	147:13
80:24 92:20	80:11 86:7,17	spread 27:11	184:11,15	stopped 71:19
107:25 110:11	88:6 123:13,22	squared 19:9	198:3 212:1	stopping 82:25
111:19 133:23	124:16,25	St 4:15 5:6 6:2,9	statement 48:15	120:12
143:2,5	127:24 132:11	6:15 7:22 8:21	167:14 176:20	stops 83:19
someone's 90:12	137:16 154:22	13:18 15:3	184:7 186:22	store 19:5 150:19
somewhat 30:11	158:3 162:4	16:21,23 18:5	186:25 188:21	story 46:3 58:25
son 123:19	184:13 186:12	20:12 22:7,12	194:3 203:23	59:2,17,19 60:5
140:21 161:14	186:15 205:12	24:19 32:11,12	209:6 211:22	60:9 63:6,11,12
161:20 162:10	213:4	35:14 37:14,16	211:23 215:20	63:21 64:10
162:15,17	speaking 39:6,7	37:18 54:12	215:24,25	65:4 67:1 69:2
son's 162:14	66:5,9,10,11	82:1,3,5 96:7	statements 142:5	69:14 128:1
soon 74:16 87:10	67:24,25 68:7	109:5 111:5	158:19 185:24	142:24 143:4
88:22 89:1	69:18 89:11	112:11 138:16	states 1:1 4:1	144:18 169:3
196:10,14	102:17 131:1	149:8 157:17	7:19 63:24	193:18 199:4
sorry 17:5,10	specific 39:18	166:5 173:2	statewide 138:12	199:21
20:17 25:4	57:3 98:4	193:13 203:20	210:1	straight 56:25
40:15 50:20	107:24 114:23	stamp 213:21	state's 46:20	133:12
58:17 63:9	207:4	stamped 2:11	stating 158:18	strange 105:11
75:25 78:5 98:3	specifically 81:9	standard 32:19	station 146:22	street 4:15 5:5
183:19	specifics 117:6	standing 69:22	147:12,12,17	6:9,15 71:5
sort 76:22 163:14	speculation 37:1	128:9 182:14	91:7,17 119:11	
163:16 166:1	40:22 66:4	start 32:15 34:15	149:1,25	121:5,11
175:5 186:18	96:12 153:25	78:2 82:3	150:19 191:21	128:16 134:3
190:9,10	spell 9:13 23:13	102:11 110:23	192:2,5 193:7	134:12 150:10
205:15,19	23:18	119:4 136:7	194:5	
sorting 164:9	spend 46:13	started 19:23	statistics 112:19	150:15,25
sorts 147:4	84:17	22:18 26:14	stayed 74:1	178:25 208:6
sought 72:12	spoke 17:13	30:22 40:12	staying 97:2,5	strike 14:3 20:17
102:13	43:11,13 66:13	93:9 122:19	stealing 177:16	22:9,25 27:21
sound 127:9	67:7 71:24 95:6	123:20,21	stenographic	28:16 36:4
sounded 127:9	107:3,11	124:9,19 125:4	217:12	38:20 43:7,21
sounds 22:18	132:21 141:13	125:4,8,9,23	stepped 124:20	43:23 45:14
south 154:16	142:2 162:6,13	128:21 129:2	sticker 73:3	52:17 70:18
157:25 194:2	167:20,21	129:12,15	stickers 73:4	79:17 100:2
196:5,9	191:10	133:2 169:19	sticks 80:23	102:4,6 103:13
southwest 16:18	spoken 15:7,11	169:20 182:24	STIPULATED	130:4 152:18
space 157:4	42:10,18,20	212:2	7:2	153:16 181:8
span 88:17	43:6,6,8 69:18	starts 26:18	stolen 162:21	188:9 209:13
speak 34:11 42:3	106:23 108:4	76:13	163:1 164:20	Strode 3:2 5:4
42:16 43:22,25	127:3 135:18	state 4:15,20	164:24 179:13	8:9,9 141:8,10
			stood 182:7	141:12 142:11

142:13,15	200:24 201:3	146:10 150:4	S-i-u-s-s-e-r 24:1	143:7,23 144:5
145:11,19,21	201:11 202:7	207:2 212:6	T	144:21,22
146:11,17	205:16 213:18	surrounding	take 10:6,8,24	154:21 163:18
148:16,24	summonses 55:1	130:15	11:1 19:11	167:17 176:17
151:20 152:8	Sunday 136:9	suspect 42:7,21	177:8 185:2,4	
154:11,19,20	superior 154:6	45:18 46:2,16	185:16,17,19	
155:3 188:18	supervising	47:1,16 48:1	185:22 187:10	
189:5 191:12	197:9,16	50:18 51:22	187:15	
191:14 194:13	supervisor 27:1,3	53:25,25 54:23	talkative 133:1	
196:4,7 197:17	27:10 33:13	56:17 57:15,23	168:22,25	
205:11	46:9 47:4,20	59:9 60:9 62:8	talked 46:19,21	
stuck 92:7,8	49:13,20,23	62:22 63:1,17	51:10 72:1	
stuff 55:3,8 56:8	50:14,16 51:11	65:22 66:14,25	106:11 107:15	
57:7 91:3 104:8	99:12,17 100:7	67:4 69:1,13	107:15,16	
104:9 107:15	101:3,14 102:9	70:5,25 74:23	135:3 161:22	
108:18 125:10	103:3,6,17,18	79:3,17 80:8,14	163:20,23	
subject 22:24	104:3,5,23,24	88:12 89:16	164:1,5 168:12	
28:8,13 40:9	105:2,14,19	100:6 105:14	169:5 177:6	
43:9 47:11	136:3,6,7,16	107:12,22	185:1 187:12	
65:24 185:23	137:21 159:14	112:18 117:22	187:13 212:5	
subjecting	supervisors 19:8	139:2 142:23	214:25	
149:13	27:6,16,23	144:17 150:25	talking 47:1,9	
Subjects 188:5	39:25 46:10,15	suspects 82:21	58:25 62:10	
subsection 38:12	50:2 102:20	suspect's 59:16	65:23 66:15	
79:2	106:17 136:25	59:19	67:17 72:1	
subsequent 95:8	159:13	swear 8:23	74:23 85:2	
subset 38:11	supervisory	swing 53:18	taker 212:20,24	
substance 9:22	101:19	54:16 64:21	talk 10:9 18:19	
suggest 84:6	supervisor's	switched 27:16	21:23 38:23	
180:12 215:8	33:13 34:8,9	sworn 4:12 9:1	122:19 124:2	
suggested 180:11	101:8 102:14	217:9	125:4,7,23	
summons 3:4	136:23 137:2	syringe 92:6	132:25 133:2,3	
13:1,5 44:7	support 62:4	system 43:18	145:5 163:17	
52:22 55:9	supporting 99:11	44:18,24 48:11	168:4 175:18	
65:10 74:25	supposed 22:2	51:3,15,25 53:1	208:1 210:11	
75:3,4,11 78:4	39:24 157:1,11	54:11 81:19,23	212:10	
79:7 87:2	164:24 180:21	82:13 84:1 97:8	taught 24:24	
107:23 145:5	sure 9:20 10:23	108:8,11,19,20	26:3	
145:15 146:10	16:7 19:8 29:10	113:1,9 139:22	teach 20:8,11,14	
146:23 147:16	39:23 44:22	171:13,15,17	21:16 25:7,12	
154:23 155:16	48:5 49:14	209:20 210:4	25:13,22 39:8,9	
155:25 158:2	55:15 58:8	systems 108:17	teachers 39:8	
158:19 187:5	81:16 99:23	108:24 109:19	teaches 39:10	
187:22 189:2,7	101:11 108:13	112:5 113:21	teaching 21:21	
192:14 197:5	110:5,10	115:5,9,10	22:6 25:7,10	
197:19,25	113:10 117:4	116:6 178:3	26:2	
198:3 199:5	123:2 138:3	217:6	team 20:16	
			technical 51:13	

53:5	127:15	75:3 87:11 92:9	137:14 170:21	199:10,16
telephone 140:22	tells 67:4 164:23	95:5 97:1 113:3	186:1	204:25 209:12
140:25 144:7,7	temporary 117:9	134:23 142:21	thousands 95:4	216:17
167:17 188:18	117:11	143:17 145:14	three 12:20 13:14	times 12:19 27:4
191:20 192:1	ten 70:22 81:4	146:20 147:4	21:4,22 23:9,20	69:7 71:11,12
214:22	102:20 160:4	153:14 163:14	23:23,24 24:16	74:15 81:2
teletype 43:17	tens 138:20	163:16 191:3	27:6 28:5 46:13	106:17 115:10
51:24 53:10	term 172:7	206:13	119:1 165:18	115:15 120:10
71:22 79:22	terms 39:4 54:5	think 9:22 10:10	165:22 189:6	120:12 130:17
99:22 111:17	86:24 131:9	12:20 17:13	three-day 25:2	130:19,25
113:16 140:4,8	153:21	19:15 27:11	thrown 63:14	134:10 138:22
140:10	testified 53:5	33:15,21 39:15	Ticketing 116:19	142:20 186:7
teletypes 98:1,20	145:20 146:1	41:8,9 42:12	Tim 77:5	191:19 192:1
tell 15:22 19:1	152:5 167:16	53:5 59:23,25	time 7:15 10:9	195:23 200:17
29:19 33:4	168:21 170:9	69:13 76:19,25	Timothy 5:9 8:3	
35:15,17,18	206:10,23	97:14 98:6,20	tired 185:8	
36:13 40:5	207:9	101:14 102:18	today 9:16,17,23	
45:17,25 47:20	testify 9:2 217:10	103:21 104:7,9	9:25 10:4,12,24	
50:17 51:23	testifying 13:13	105:1,8,15	11:5,13 12:6,9	
57:21 61:4	testimony 32:19	110:7 113:19	12:12 13:9,13	
65:22 67:20	33:22 34:3	118:14 120:13	17:14 40:17	
68:5 69:1,14	63:24 66:24	126:7 127:1	41:16 66:24	
72:23 82:7	68:24 107:19	128:10,11	68:24 142:21	
85:10 94:3,24	139:1 156:21	132:12,13	210:17	
95:15 96:24	184:19 216:5	134:13 137:20	Today's 7:14	
98:17,22	217:8,11	139:25 168:21	told 10:13 35:20	
100:10 101:3	thank 9:15 16:6	169:8 172:13	36:9 46:5,15	
105:16,20	29:18 76:8	173:25,25	47:2,3,6,21,21	
115:19 119:24	78:20 160:13	175:11,15,16	48:3 50:1 56:14	
122:4 123:15	210:6 215:13	185:7 192:7	56:15 57:19	
123:16,25	216:16	193:24 194:10	58:6,19 60:8	
124:18 125:2	Thanks 78:25	194:15,17,22	61:8 66:14	
125:14 128:19	theft 169:22,25	209:22,25	80:19 84:3	
130:12 132:8	170:13,22	214:3	88:25 90:3	
132:23 133:5	186:6 190:10	thinking 22:24	93:21 94:23	
136:1 141:9,19	202:3	third 25:16 48:15	95:22 96:4,10	
142:23 146:17	thing 10:25	48:16,17 49:8	97:7 101:3	
148:16 154:8	17:23 91:24	148:8,11,14	103:8 104:23	
161:25 171:1,2	92:11 101:22	177:16 185:7	105:22 123:17	
174:22 175:1	132:17 133:3	201:13	124:13 125:8	
188:8,12	170:14 178:21	third-party	129:11 130:6	
192:22 207:21	194:24	61:14	142:18 143:3,4	
210:16 212:14	things 20:2 21:18	tholland@paul...	148:18 154:23	
214:9,19 215:3	24:25 25:7,8,10	5:13	154:25 162:9	
215:7	34:22 37:16	Thompson 107:6	182:10 185:7	
telling 32:15 59:2	39:10 55:24,25	thought 49:21	186:3,4 192:8	
102:18 127:14	57:24 74:8 75:2	102:9 126:22	192:11,22	

199:23 200:8 204:20 213:14 tooken 148:12 top 173:19 topics 159:4 totally 37:21 tow 83:19,19 to-wit 9:5 traffic 73:4,19 82:22 91:20 114:15,20 147:13 154:17 train 25:22 98:15 trained 33:18 34:16 trainer 20:19,21 20:22,23 21:1,5 21:12 23:11,16 23:24 24:3,6 49:24,25 51:6 118:24 119:1 121:23 135:9 159:17 196:11 197:11 trainers 20:15,16 26:24 35:2 39:7 39:8,11,13 159:9 trainer's 135:7 training 16:4,9 18:18 19:13,16 20:5,7,11,20 21:10 24:9,16 24:19 25:1 26:6 26:11,23 27:14 28:24,25,25 29:1,2,2 32:5 32:20 33:1,4 34:14,15,18,20 35:1,4 50:1 51:4 61:3 97:16 97:20,25 98:11 98:18 99:20,21 121:24 135:6 173:9,13,15 180:11,19,22 190:24 191:2,6	197:12 trainings 33:16 transcribed 7:7 transcript 3:8 145:25 transferred 149:2 150:6,8 transported 146:24 147:1,3 193:8 treatment 174:1 176:13,14 tree 74:1 trespassing 75:13 [REDACTED] 128:5 128:19,25 130:6 131:16 142:6 176:23 211:22 [REDACTED] 128:18 trial 204:2,8,14 204:17 206:2 tried 54:5 65:6 124:2 132:25 141:5,7 184:16 185:2,3 trouble 117:22 truck 71:13 true 36:8 59:5 178:11,18 193:2 203:23 208:7,8 truth 9:2,2,3 59:3 59:4 164:19 217:10,11 truthful 9:23 10:15 try 9:19 10:3,9 17:14 18:4 53:19 54:2 62:21 63:14 64:24 73:14 116:14 134:4 134:11 138:18 139:12 140:24	141:2,20 142:11 162:3 163:16,18 166:1 180:21 185:11 trying 10:6 46:23 47:17,17 54:21 63:8 107:11 134:20 141:14 163:14 185:9 186:14,18 187:8 199:2,10 199:16 213:4 turn 40:9 78:2,3 117:17 131:19 135:24 141:15 142:16,16,19 154:12 194:8 194:14 195:6 195:17,20,21 195:24 turned 148:11,13 173:12 188:25 193:6,13 196:2 turning 196:7 twice 98:5,5 two 12:10,13,16 21:19 23:15 24:10,18 27:6 27:12 58:24 61:15,16 73:5 77:19,23 106:16 110:6 131:20 165:15 210:18 tying 55:10 type 43:16 57:7 81:11 115:10 125:10 typed 115:3 216:5 typewriting 7:7 typical 19:1,2,0 32:15 typically 50:13 52:6,8,11 83:7 116:18,19	T's 138:4 <hr/> U Uh-huh 100:9 142:25 ultimate 126:17 ultimately 189:1 unavailable 85:15,16,24,25 unaware 107:2 uncapped 92:6 uncle 68:5 uncooperative 71:16 underlying 23:2 153:16 understand 11:12,15 12:1 15:4 35:23 36:20,23 37:21 37:23 39:12 46:23 47:18 55:25 58:17 76:10 87:11 92:12 107:18 114:10 152:20 153:12 156:22 161:19 163:3 175:9 188:4 212:18 213:6 understandable 183:12 understanding 11:18,19 36:14 40:13,14,17 41:15,18,19 48:7 57:10,13 60:7,25 61:24 62:6,13,20,25 64:6 87:7 95:19 103:12 110:10 127:16 137:9 137:13,16 understood 36:7 37:7,9 114:19 146:7 207:11 undertake 57:14	unfortunately 88:21 92:10 uniform 86:11 unincorporated 157:17 United 1:1 4:1 7:19 unknown 182:5 unquote 178:21 unsuccessful 54:4 132:6 unsure 104:25 unwilling 142:14 update 98:9 updates 97:20 98:15 upper 30:11 use 11:20 34:5 94:13 108:12 109:5,6,7,10 112:9,23,25,25 113:5,6 116:11 116:16 138:7 198:4 user 97:12 user-friendly 116:13 uses 116:20 usually 21:2 45:7 50:13 54:7 56:25 72:16,20 86:3 88:13,25 115:7 116:21 116:22,22 117:1 133:24 151:3 212:19
			<hr/> V vacation 86:1,2 vague 9:18 37:1 40:22 66:3 70:9 96:20 value 179:19 [REDACTED] 128:25,25 128:25 130:6 131:15,16,16 132:6,7 142:6	

176:23 212:1	VIII 78:13	waive 216:7,10	60:10 61:22	138:10,14
215:24	Village 118:17	216:13	62:15,18,23	139:3,7,11,13
██████████ 132:15	Vineyard 107:4	waived 7:8	63:4 64:13,16	139:15,16,16
211:23	violation 176:9	216:21	64:25 65:3,5,16	141:25 142:9
varies 98:8	violence 25:15	waiver 154:22	65:21,24 66:13	142:22 143:10
various 106:16	98:25 211:19	walk 21:17 48:7	66:17,25 67:6	144:2,16,25
173:5	violent 73:16	81:22 118:9	68:1,10,10,15	146:8 149:13
varying 159:13	91:23	walked 125:18	68:20,22 69:11	149:18 150:1
vehicle 71:10,18	Virgin 123:4,16	walking 82:18	69:22 70:7,11	150:17,24
71:21 72:25	123:17 128:22	91:7 150:19	70:14,14,15,25	153:14,22
73:2,11,22,23	129:1,4,14,17	wall 5:10 8:7,15	71:3,21 72:11	154:5,25
82:19 83:1,2,4	129:23 130:3,7	8:15 128:15	72:22 74:10,19	185:19 186:5
83:6,7,8,10,14	130:9 131:25	Walsh 8:19 15:1	74:23 79:12,17	188:5,7,13,23
83:21	142:5 148:21	want 10:18,24	79:20 80:7,8,13	189:2,8,14,19
vehicles 82:21	163:24 169:3	41:1,4 44:24	80:25 81:8,12	190:1,6,7,18
verbally 123:20	174:11 179:10	55:4,13,23 58:1	81:15,24 82:1,2	191:7 198:4,12
182:4	179:22 181:18	58:21 61:23	82:8,12,20 83:1	198:13 200:9
verify 49:13	181:23 182:3,5	63:5,6 64:8,9	83:4,5,17,18,25	209:15,16
81:16,21,24	182:18,22,23	65:9,15 68:7	84:11,16 85:3	210:1
145:3	183:3 186:22	83:9 84:14,17	85:11 86:16,23	wanteds 11:20
verifying 67:16	204:6 210:12	85:12 92:2,7,8	87:16,18,22	29:3,8 33:5,7
versions 77:23	211:24,25	92:10 102:19	88:3,8,19 89:4	33:25 34:7
versus 7:17 57:4	212:4 213:13	104:8 113:5,6	89:14 90:10,23	40:10 63:20
vicinity 114:22	213:14 214:18	114:10 123:1	91:14,16,25	64:5 68:25,25
115:25	215:4,10	126:9,21,23,25	92:20,21,22,24	70:19 73:12
victim 48:15	Virgin's 128:17	132:20 149:8	93:3 99:13,16	80:20 81:9,18
51:22 53:24	131:14 133:13	154:21 160:2	100:3,8 101:15	81:21 82:20
59:1 60:4 61:13	133:15,16	195:14	101:22 102:1,8	84:3,9 91:6
63:17 90:3	186:10,11	wanted 33:9,14	102:8,13,14,15	94:10,13,13
142:3 173:18	211:22 212:7	34:2,6 38:6,8	102:16,19	95:7 98:1
173:20 174:7	214:11 215:19	39:4 40:13,14	103:2,3,6,17,19	101:20 107:22
174:10 175:18	215:25	40:18 41:15,18	103:19 104:3,4	108:15 109:9
176:17,17	visit 139:4,12	41:19,21 42:1,2	104:4,22,22	109:12,14
204:2,6,16	visits 139:9	42:9,10,16,17	105:3,16,17,20	111:10 117:14
208:1	voice 45:9 68:4	42:18 43:5,9,10	109:25 110:12	189:13,24
videoed 216:7,10	144:7 167:21	43:10,17,18,20	110:14,20,24	wants 125:20
videographer 6:7	167:23 168:4	43:22,25,25	110:25 111:1	185:16,22
7:13,24 8:22	169:10,11	44:2,10,17,24	111:13,16,20	207:15
55:17,20 84:20	185:25	45:3,23 47:11	113:8,11,22	ward 38:7
84:23 104:14	voices 68:4	48:1,4,7,11	114:16,21,24	warned 199:19
104:17 106:4,7	vs 1:6 4:6	49:7,11,13 50:8	115:6,8,19,25	200:13
160:5,8 216:17	————— W —————	50:11,25,25	116:1,2,25	warning 154:21
videotape 214:21	wait 73:16 89:9	51:2,7,8,15,23	117:10,11	warrant 43:21
video-recorded	91:19 105:4	52:15,16,19,25	125:10 126:2	45:5,19,24 46:2
1:10 4:11 7:16	126:18	53:10,13 54:1,6	134:7,8,25	46:7,25 47:14
viewing 127:17	waiting 90:19	54:11 58:10,13	135:5,13,19	48:3 52:24
VII 78:13		58:13 59:17,20	137:15,21	54:21 62:1,15

62:23 63:2,8	208:16,17	Wilson 5:16 8:11 8:11	198:4,9 words 41:10 172:11,13 214:8	Y
68:15 72:12,12	209:3 211:17	wish 10:19 143:6 205:12	172:11,13 214:8	yeah 8:17 49:5 50:12 57:20 67:10,14 76:24
72:19,22 74:24	216:14	wishy-washy	214:8	77:5,11 78:17 80:4 82:15
75:19 78:4 79:7	ways 17:25 97:1	115:10	28:13 40:3	101:21 104:13 108:16 116:10
80:21 87:2	weapons 91:23	wit 157:17	54:15 67:21	117:24 128:12 133:10,18
92:16 107:23	website 109:5	witness 7:9 8:23	69:25 88:14	136:11 141:2 171:23 172:15
115:14,20	Wednesday 4:12	29:21 31:20	107:14 122:14	178:7,10,16
145:9,14 146:8	week 12:15 24:10	39:20 40:23	193:9 206:5	179:7,20 180:17 183:6 193:4 200:3
warranted 80:2	27:12 103:7	41:3 44:15 49:1	worked 14:25	207:20 211:16 213:7 216:15
80:17 82:12	210:18	60:17 61:14	15:3 118:17	year 16:1,2 26:13 26:18,19 27:16
warrants 68:18	weeks 12:16	66:9,10,11,19	138:20,20	28:2,5 72:25 73:1 98:5,6,7
70:12 72:7 73:7	13:14 20:25	66:21 70:11	working 21:15	years 50:5 102:20 110:6
73:9,12,12,15	21:5,7,9 22:22	77:4 78:14,17	21:25 27:8 85:9	yes-or-no 80:13
74:3 75:6,8	week-long 25:1	78:23 80:1,17	89:3 90:7 113:2	York 5:12,17
80:4 81:8,21	weight 112:20	94:21 96:1,16	141:17 146:22	
84:10 88:5	177:23 178:9	96:22 97:24	146:25 147:18	
108:14,14	Weiss 5:11 8:4	103:23 107:3	154:15 192:9	
109:9 115:2,12	welfare 57:8	142:4 144:12	192:12,23	
146:24	went 24:25 25:2	146:15 152:23	193:18,21	
wasn't 10:18	33:11 71:10,25	153:4 160:10	works 32:11	
35:4 62:25	74:4 75:6,9	168:18 169:6	worth 47:13 74:7	
74:16 86:10	98:19 100:4,5	169:19 170:6	wouldn't 70:12	
114:11 126:4	102:10,11	170:18 171:12	86:20 105:20	
128:3 134:8	103:16 121:25	172:2 176:22	115:5 124:8,11	
135:20 148:10	122:8 124:3	178:16,23	126:4 135:10	
154:22 175:2	139:22 140:8	180:8,24	192:24 193:1	
186:15 187:22	172:21	182:18 183:16	208:23	Z
watched 182:8	weren't 147:9	186:3 187:15	wrestling 127:10	zeros 29:25,25
watching 182:15	148:3,6 174:24	187:25 190:4	30:3 31:9 76:4	
way 22:10 35:16	we'll 10:23 22:16	192:16 195:3	write 156:17	77:18 155:22
37:16 44:1,7	160:24	195:11 200:3	writing 22:2	ZIP 115:3,16,18
50:13 59:16,19	we're 7:24 9:20	200:11 201:1	133:25 134:1	115:19,22
60:3,9,17,20	12:5 29:10 47:9	202:22 207:1	written 75:15,17	ZTE 182:23
64:24 65:10,17	47:17,17 88:25	207:20 208:13	101:24 135:3	
67:16 68:6	91:2 100:21,22	208:21 209:10	167:10,11	\$
72:10 73:21	107:16 151:3	211:10 216:15	172:11 175:25	\$175 179:19
83:10,11 93:18	we've 101:9	216:21 217:8	176:14 204:24	\$50,000 74:7,12
95:4 96:6	131:17	217:11	205:17,20	\$500 177:17
105:11 112:8	Wharton 5:11	witnessed 48:19	wrong 40:5	#
145:6,7,8	whichever 27:1	48:20 128:3	63:19 192:13	#11867 6:13
146:20 151:2	whim 190:17,18	131:15	192:20	#1291 6:14
154:16 160:14	white 110:15	witnesses 51:22	wrote 74:19	217:25
163:10 164:5	173:19	170:10 180:4	205:7,10 209:3	0
167:1 195:13	willing 72:4	word 10:6 38:7	209:13	0857 171:24
196:14,15,19	154:22 187:15	63:25 99:15		
201:13 203:11	Wilschusen			
205:16,19	107:7			

0858 172:21	11:42 84:20	17 73:2,2,4	103:12,15	4:00 88:16
0900 172:24	11:54 84:23	17th 103:21	104:1 203:18	4:16CV00245...
1	112 174:15	203:18	2017 1:12 4:13	7:18
	181:18	190 178:12,15,18	7:14	4:16CV00254...
12:10 29:11,19	116 121:2 128:13		21 76:14,21,23	4:6
29:23 30:10	138:24 173:2		77:4,11 78:3,7	4:16-CV-00254...
31:24 32:24	181:4,25	2 2:13 29:11,21	188:3	1:6
34:16 36:17	119 2:24	30:1 32:24	210 2:6	41 6:3 191:9
37:14 76:13,23	12th 147:21	36:17 37:7 51:1	212)373-3373	45 191:18,25
77:4,11 97:15	149:21 153:20	97:19 99:3		48 193:10,11
211:4	154:9 156:2	173:17,19	212)614-6464	
1st 25:14 27:15	158:17 159:20	2:18 160:5	5:18	5
147:22	193:14 195:20	2:24 160:8	214 2:7	5 2:21 77:14,16
1-2 29:12	198:23	20 75:14	215 2:8	131:20 178:11
1/12 110:15	12/12/2015	2000 103:11	22 30:3 190:15	50 196:16 197:8
1:00 106:7	157:18,22	2011 2:17 31:8	23 189:12	197:24
1:24 139:23	12:22 104:14,17	32:2	24 87:14,18	51 197:19,24
10-37 2:19 76:2	12:24 106:4	2013 76:16 77:9	189:23	52 198:2
10:00 134:15	1210 5:5	2015 2:11 3:1	24-hour 87:5,6,8	53 203:18
10:37 55:17	1285 5:11	16:11,15 17:18	92:13,14	54 204:22
10:49 136:9	13 31:9	18:12,20,21,23	25 76:16	57 76:14
10:55 55:20	13th 2:17 31:8	19:18 22:18	25th 77:8	
100 157:25 196:5	32:2	23:5 24:3,12,14	28 76:4	6
196:9	13-37 76:15 77:6	24:15 26:15	29 2:10,13	6 2:24 119:17,19
100000004 2:25	78:3	29:23 30:10,16		171:4 201:22
119:17	14 2:13 30:1	32:3,6 33:10,19		201:24 202:15
10012 5:17	14th 32:3 33:10	34:3,16 35:11	3 2:16 31:7,10	211:4
10019-6064 5:12	33:11,19 34:3	36:9,15,24 38:3	32:2	6:00 119:6
1050 90:1	99:6 101:13	40:10,16 41:16	3DSN 121:17	63101 6:9,15
108 128:11,13	15 2:10 24:21	93:10 95:7,11	3:29 216:22	63103 5:6
11 76:21 78:3,7	29:23 30:10,15	95:12,21 96:9	3:30 216:17	63105 6:3
178:11 193:11	36:24 51:9 72:9	118:10 136:8	31 2:16	63128 115:13,16
11th 3:1 4:15 6:9	73:25 75:14	147:20,21	314)615-7042 6:4	666 5:17
6:15 118:3,10	102:20	151:15,20	314)644-2191	
141:7 142:8,9	15th 32:6 34:16	152:15 153:9		7
147:20 149:20	97:15 136:8	153:19 154:4,9	32 161:7,11	7 3:1 151:19,24
151:15,20	137:14	157:13 158:17	33 162:18 164:18	152:4
152:15 153:9	15-26 29:20,21	159:14,20	34 166:3	7th 5:17
153:19 154:4	15-61723 201:20	161:13 193:14	35 191:15	7:10 19:4
155:4 156:9,10	201:24 202:14	198:20,23	37 16:3	711 4:14 6:9,15
157:13 159:14	151 3:1	210:12		76 2:19
161:13 198:19	155 3:4	2016 2:14,22	4	77 2:21
207:21 210:12	16 26:17 33:11	26:9 28:3 30:2	4 2:19 76:1,5	78 77:18
11-26 2:16 30:12	51:9 73:1 132:9	49:16,18 50:21	78:5,16,17	
31:1,8 32:7	16th 2:22 77:17	77:18 95:8	160:15,20,22	8 1:12 3:4 4:13
11/11/2015 181:2	16-37 2:21 77:17	97:19 98:10	160:25 161:8	78:3,9 155:18
11:00 19:23	160 2:5	99:6 101:13	188:4 191:14	155:21 201:10

<p>8th 7:14 8:00 89:1 8:50 181:3 8:57 120:15 8:58 118:14 120:19 82 110:16 855)724-2489 5:6 87 110:16 88 110:16</p>			
---	--	--	--

9

<p>9 2:4 161:7 9:00 19:24 118:15 120:24 122:18 134:13 9:30 1:15 7:11 9:31 7:15 911 165:13,19 171:20,21 175:13,13,13 181:8 210:20 213:2,8,12,14</p>			
---	--	--	--